DOCUMENT RESUME

ED 466 914 EC 309 062

TITLE	Alaska Special Education Handbook, September 2001.
INSTITUTION	Alaska State Dept. of Education and Early Development, Juneau.
PUB DATE	2001-09-00
NOTE	515p.
AVAILABLE FROM	Alaska State Dept. of Education & Early Development, Division of Teaching and Learning Support, 801 W. 10th St., Suite 200, Juneau, AK 99801. Tel: 907-465-8702. For full text: http://www.eed.state.ak.us/tls/sped.
PUB TYPE	Guides - Non-Classroom (055) -- Tests/Questionnaires (160)
EDRS PRICE	EDRS Price MF02/PC21 Plus Postage.
DESCRIPTORS	* Federal Legislation; *Academic Accommodations (Disabilities); Assistive Technology; Charter Schools; Compliance (Legal); *Disabilities; Disability Identification; Educational Legislation; Elementary Secondary Education; Eligibility; Financial Support; Graduation Requirements; *Individualized Education Programs; Private Schools; Referral; *Special Education; Staff Development; Student Evaluation; *Student Placement
IDENTIFIERS	*Alaska; *Individuals with Disabilities Educ Act Amend 1997

ABSTRACT

This handbook provides guidelines for the operation of local special education programs for Alaskan children with disabilities. It addresses: (1) the Individuals with Disabilities Education Act (IDEA) Amendments of 1997 and basic concepts of special education; (2) identification of students with disabilities, referral, screening programs, and regular education intervention; (3) evaluation and eligibility for special education services; (4) development of the Individualized Education Program (IEP), participants in IEP meetings, guidelines on IEP preparation, content of the IEP, transition, assistive technology devices, charter schools, correspondence schools, private schools, juvenile and adult correctional facilities, review of the IEP, and IEPs for children from infant/toddler programs; (5) placement in the least restrictive environment; (6) program exit and graduation requirements; (7) procedural safeguards and confidentiality; (8) personnel and personnel development; (9) special education state and federal funding; and (10) compliance monitoring and maintaining student records. Appendices include forms for reporting federal data, child identification forms, evaluation and eligibility forms, IEP and placement forms, procedural safeguards and confidentiality forms, personnel forms, sample transition plans, assistive technology information, information on classroom accommodations, and forms for functional behavioral assessments and behavioral intervention plans. A glossary is also included, along with a list of relevant resources. (CR)

**Reproductions supplied by EDRS are the best that can be made
from the original document.**

ED 466 914

ALASKA SPECIAL EDUCATION HANDBOOK

BEST COPY AVAILABLE

Alaska Department of Education
& Early Development

September 2001

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
☑ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL HAS BEEN GRANTED BY
D. Cornwall
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
1

EC 309062

TABLE OF CONTENTS

- Preface
- Disclaimer
- Acknowledgments

PART I - INTRODUCTION

Sections

1. IDEA Amendments of 1997
2. State Law and Regulations
3. Organization of Handbook
4. Basic Concepts

PART II - IDENTIFICATION

Sections

1. Introduction
2. Child Find Coordination
3. Annual Public Notice
4. Referrals
5. Screening Programs
6. Regular Education Intervention

PART III - EVALUATION & ELIGIBILITY

Sections

1. Purpose of an Evaluation
2. Initial Evaluation
3. Parental Consent
4. Information from Other Agencies
5. Evaluation Procedures
6. Reevaluation Procedures
7. Evaluation Summary & Eligibility Report
8. Eligibility Criteria for Disability Categories

PART IV - IEP DEVELOPMENT, IMPLEMENTATION, REVIEW, & REVISION

Sections

1. Overview
2. Responsibility for Development and Implementation of the IEP
3. When an IEP Meeting Must Be Convened
4. Participants in IEP Meetings
5. Parent Participation
6. When an IEP Must Be in Effect
7. Guidelines on IEP Preparation
8. Content of the IEP
9. Individualized Family Service Plan
10. Proper Functioning of Hearing Aids
11. Physical Education & Vocational Education on the IEP
12. Discipline Procedures
13. Extended School Year Services
14. Secondary Transition Services
15. Assistive Technology Devices & Assistive Technology Services
16. Statewide and District Assessments
17. Parent/District Disagreement with an IEP
18. Charter Schools
19. Statewide Correspondence Study Programs
20. Private Schools
21. Juvenile & Adult Correctional Facilities
22. Review/Revision of IEP
23. IEPs for Children from Infant/Toddler Programs

PART V - PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT

Sections

1. Introduction
2. Responsibility for Placement
3. General Placement Procedures

4. Continuum of Placement Options
5. Justification for Placement
6. Consent for Initial Placement in Special Education
7. Annual Determination of Educational Placement
8. Least Restrictive Environment Requirements in Private Schools
9. Out-of-District Placement

PART VI - PROGRAM EXIT

Sections

1. Discontinuation of Services
2. Graduation Requirements for Students With Disabilities

PART VII - PROCEDURAL SAFEGUARDS AND CONFIDENTIALITY

Sections

1. Parent Rights
2. Transfer of Parental Rights at Age of Majority
3. Prior Written Notice/Parental Consent
4. Mediation
5. Impartial Due Process Hearings
6. Surrogate Parents
7. Independent Evaluations
8. Complaint Procedure
9. Confidentiality of Information

PART VIII - PERSONNEL

Sections

1. Teachers
2. Related Service Providers
3. Preschool Teachers
4. Directors of Special Education
5. Paraeducators
6. Interpreters for the Deaf
7. Personnel Development

PART IX - FUNDING

Sections

1. State Public School Foundation Funding
2. Transportation Funding for Special Education
3. Federal Special Education Funding
4. Special Education Funds in Private Schools
5. Special Education Service Agency (SESA)

PART X - COMPLIANCE MONITORING

Sections

1. Information Needed Prior to Review
2. Information Needed During Review
3. Maintaining Student Records
4. Continuous Improvement Monitoring Process (CIMP)
5. Student File Review Instrument
6. Administrative Monitoring Checklist

APPENDICES

APPENDIX A - MISCELLANEOUS FORMS

Sections

1. Federal Data Forms
    A. Table 4: Report of Children with Disabilities Exiting Special Education
        - Table 4: Directions
    B. Table 5: Report of Children with Disabilities Removed for Drug or Weapon Offenses
        - Table 5: Directions
2. Federal Grant Application Forms
    A. Part VI-B
        - VI-B Grant Application and Instructions
        - General Information Sheet
        - VI-B Application Checklist
        - Private Schools - Preschools and K-12
        - Assurances

- Budget and Narrative Forms
- Funding Memo

B. Section 619

- Section 619 Grant Application and Instructions
- General Information
- Section 619 Application Checklist
- Private Schools - Preschools and K-12
- Assurances
- Budget and Narrative Forms
- Funding Memo

APPENDIX B. - CHILD IDENTIFICATION FORMS

Sections

1. Model Child Find Plan
2. Annual Child Find Training Outline
3. Sample List of Community Agencies
4. Sample Child Find Initiative Letter
5. Referral Form

APPENDIX C - EVALUATION AND ELIGIBILITY FORMS

1. Consent for Evaluation
2. Authorization to Obtain Information
3. Evaluation Summary and Eligibility Report

APPENDIX D - IEP AND PLACEMENT FORMS

1. Instructions for Completing IEP
2. IEP Form
3. IEP Amendment Form
4. Written Invitation to IEP Meeting
5. Alternate Assessment Manual
6. Consent for Initial Placement Form

7. Letter to Request Records for a Transfer Student
8. Transfer of Rights Letter
9. Program Exit Form

APPENDIX E - PROCEDURAL SAFEGUARDS AND CONFIDENTIALITY FORMS

1. Prior Written Notice
2. Prior Written Notice, Informed Consent, and Notice of Procedural Safeguards Table and Explanation
3. Notice of Procedural Safeguards
4. Model Surrogate Parent Plan
    - Surrogate Invitation
    - Surrogate List
    - Training Session Agenda
    - Notice of Appointment
    - Notice of End of Appointment
5. Record of Access
6. Authorization for Release of Confidential Information
7. Letter of Intent to Destroy Special Education Records

APPENDIX F - PERSONNEL FORMS

1. Documentation of Training for Paraeducators
2. Early Childhood Education Requirements
3. Recommended Guidelines for Related Service Providers

APPENDIX G - SECONDARY TRANSITION

1. Intent of Transition Services *
2. Transition Requirements Checklist *
3. Secondary Transition Q & A *
4. Sample IEP with Secondary Transition Components *
5. Example Person Centered Planning Document

APPENDIX H - ASSISTIVE TECHNOLOGY

Common Areas of Assistive Technology Application

APPENDIX I - CLASSROOM ACCOMMODATIONS

1. IDEA/504 Flow Chart
2. Student Accommodation Plan
3. Information Regarding Section 504
4. Classroom and Facility Accommodations

APPENDIX J – BEHAVIORAL INTERVENTIONS AND DISCIPLINE

1. Definition of *Weapons* and *Controlled Substances*
2. Behavioral Interventions and Discipline
3. Intervention Strategies
4. Functional Behavioral Assessments , Behavioral Intervention Plansand Manifestation Determinations Forms
5. Clarification of Terms Related to Emotional Disturbance

GLOSSARY OF COMMONLY USED TERMS

RESOURCE LISTING

ALASKA'S STATE SPECIAL EDUCATION PROGRAM

CONTACT INFORMATION

General

Dept. of Education & Early Development
Division of Teaching and Learning Support
801 W. 10th St., Suite 200
Juneau, AK 99801
Telephone: (907) 465-8702
Fax: (907) 465-2806
Web Page: http://www.eed.state.ak.us/tls/sped/
(An on-line version of the current Special Education Handbook is available at this site)

Program Staff

Greg Maloney
State Director of Special Education
(907) 465-2972
greg_maloney@eed.state.ak.us

Art Arnold
Special Education Program Manager
(907) 465-8743
art_arnold@eed.state.ak.us

Cathy Anderegg
State Improvement Grant Coordinator
(907) 465-8723
cathy_anderegg@eed.state.ak.us

Judy McAllister
State Improvement Grant Program Asst.
(907) 465-8713
judy_mcallister@eed.state.ak.us

Nancy Mathis
Special Education Program Manager
(907) 465-8702
nancy_mathis@eed.state.ak.us

Karen Sato
Special Education Program Manager
(907) 465-2824
karen_sato@eed.state.ak.us

David Sampson
Special Education Program Assistant
(907) 465-8693
david_sampson@eed.state.ak.us

Eleanor Dailey
Special Education Program Staff
(907) 465-2981
eleanor_dailey@eed.state.ak.us

PREFACE

Purpose of the Handbook

This handbook provides guidelines for the operation of local special education programs for children with disabilities. Because it is a guideline and not a regulatory document, specific federal and state citations are not listed. However, all federal and state statutes, regulations, and policies that impact children with disabilities are incorporated.

Use of the Handbook for District Application for Federal Funds

In order to receive federal special education funds, each district must annually submit a grant application that describes its procedures for complying with federal and state requirements for serving children with disabilities. This handbook contains the procedures for complying with federal and state requirements for a local application. A district may choose to adopt the entire handbook; it may adopt parts of the handbook and develop procedures for those parts of the handbook not adopted; or it may choose not to adopt any portion of the handbook and develop its own procedures. However, a district must have procedures that are in compliance with federal and state requirements. Consequently, if a district chooses not to adopt a procedure required by the handbook, an alternative procedure **must** be approved by the department. This includes use of special education forms not contained in this handbook.

Handbook Revisions

The handbook is a dynamic document. Revisions will be made as changes in special education requirements, policy, or practice, occur. We would appreciate knowing of any errors found in the handbook, as well as any suggestions for improvement. When noting errors or making suggestions, please send a copy of the pages with the suggested corrections to the Department of Education and Early Development (EED), Division of Teaching and Learning Support.

Additional Sources of Information

Alaska's special education web page, (www.eed.state.ak.us/tls/sped/) provides visitors with state and federal laws and regulations, an updated events calendar, information on program activities, and links to many other resources. The special education directors' listserve is another important source of information that we will be encouraging director's to utilize more frequently. A monthly newsletter from EED's special education program is also expected to be inaugurated this year and will include effective practices, common issues, and procedural updates related to providing special education and related services in Alaska.

DISCLAIMER

This document was developed by the Alaska State Department of Education and Early Development, Division of Teaching and Learning Support. The opinions expressed herein do not necessarily reflect the position of the United States Department of Education and no endorsement of the United States Department of Education should be inferred.

This document is provided as a guide for the provision of special education and related services. If any portion of this document conflicts with law or regulation, the law or regulation takes precedence.

ACKNOWLEDGEMENTS

This document was initially developed in 1991 by the Alaska Department of Education's special education staff and the Western Regional Resource Center (WRRC).

Individuals that contributed to the 2001 revision of the handbook include:

Greg Maloney, State Director of Special Education, EED
Nancy Mathis, Art Arnold, and Karen Sato, Special Education Program Managers, EED
David Sampson, Judy McAllister, & Eleanor Dailey, Special Education Program Staff, EED
DiAnn Brown, Consultant
Wendy Tada, Former EED Special Education Program Manager
Erik McCormick, Data Manager, EED
Linda Soristo, Grants Administrator, EED
Joe Precourt, Transportation Administrator, EED
Louis Yannotti, Charter Schools Program Manager, EED
Phil Reeves and Jean Mischel, Assistant Attorneys General, Department of Law
Linda Griffith, Administrator, South East Regional Resource Center
Ed O'Leary, Educational Consultant, Mountain Plains Regional Resource Center
Mike Young, Former Administrator of Alaska Transition Initiative
John Lund, Administrator, Special Education Service Agency (SESA)
Brita Bishop, Coordinator, Alaska Youth Initiative

Special acknowledgement and appreciation is given to members of the Paperwork Reduction Committee who graciously contributed their time and expertise in revising Alaska's special education forms (listed alphabetically):

Linda Griffith, Administrator
SERRC

Colleen McIntyre, Director
Bering Strait School District

Anita Pierce, Assistant Director
Western Regional Resource Center

Linnae Sanger, Director
Lower Kuskokwim School District

Nancy Mathis, Program Manager
EED

Nancy Nagarkar, Adminstrator
Anchorage School District

Karin Parker,
Anchorage School District

Dave Means, Director
Kodiak School District

Electronic Publishing:
David Sampson, Education Program Assistant, EED

PART I

INTRODUCTION

Sections

1. IDEA Amendments of 1997
2. State Law and Regulations
3. Organization of Handbook
4. Basic Concepts

SECTION 1. IDEA AMENDMENTS OF 1997

The reauthorization of the Individuals with Disabilities Education Act (IDEA) Amendments of 1997 (hereafter referred to as IDEA 97) focused on four major areas:

- Enhanced parent participation.
- Student progress in the general education curriculum.
- Measurable progress and greater accountability for student goals and objectives.
- The importance of school safety.

The handbook incorporates the changes outlined in IDEA 97 (PL 105-17) and the corresponding regulations (34 CFR Parts 300 and 303). Important dates to remember are:

• June 4, 1997	IDEA 97 was enacted.
• July 1, 1998	IEPs developed, reviewed, or revised on or after this date must comply with new IDEA provisions.
• May 11, 1999	IDEA 97 federal regulations became effective.
• July 19, 1999	Compliance with all of IDEA 97 regulations required, as this is when Alaska received funds appropriated for Federal Fiscal Year 1999 under Part B of IDEA 97.

SECTION 2. STATE LAW & REGULATIONS

During the 2000-2001 school year, Alaska's state special education law and regulations were amended. Changes in the special education statute (AS 14.30.180-14.30.352) include:

- Replacing the term *exceptional children* with the terms *child with a disability* and *gifted child*, and creating separate statutory sections for each.
- Requiring state boarding schools and statewide correspondence schools that enroll children with disabilities from outside their districts to be responsible for providing special education and related services.
- Limiting the responsibility of school districts for providing special education services to children voluntarily enrolled in private schools to match IDEA 97 requirements.
- Changing Alaska's due process hearing system to a single-tiered system that requires the department to assign hearing officers using a random selection process; appeals of hearing decisions will now be made to superior court rather than to the department.

Legislative changes were also made to the law establishing statewide assessments. Changes that pertain to children with disabilities include:

- Delaying implementation of Alaska's High School Graduation Qualifying Exam (HSGQE) until 2004.
- Requiring all high school sophomores, including those with disabilities, to take the HSGQE (children with very significant disabilities will participate in the Alternate Assessment).
- Beginning in 2004, allowing children with disabilities who do not pass the HSGQE to be eligible for a diploma through successfully completing an alternative assessment process to be developed by the department.

The Alaska State Board of Education and Early Development also adopted revisions to state special education regulations (4 AAC 52) that primarily updated them with IDEA 97 requirements. Other changes define state policy in areas for which IDEA 97 provides states with discretion and include:

- Changing *preschool developmental delay* to *early childhood developmental delay* and allowing this designation to be used for children ages 3-8 if a district chooses.
- Indicating that districts have 10 business days to comply with parental requests for access to their child's education records.
- Having districts transfer disciplinary records with other educational records for a child with a disability that transfers to another school.
- Having districts that report a crime committed by a child with a disability provide, to the extent allowed by the Family Educational Rights and Privacy Act (FERPA), appropriate authorities with copies of the child's educational and disciplinary records.
- Clarifying that an expedited hearing on disciplinary issues must be completed no later than 45 days after the hearing is requested.
- Modifying hearing officer qualifications and further clarifying what constitutes conflict of interest.
- Revising eligibility requirements for intensive funding.

Each of these changes is described more completely in later sections of the handbook. The text of the law and regulations are available through the EED special education website.

SECTION 3. ORGANIZATION OF HANDBOOK

The handbook is organized into the following ten parts:

Part	I	Introduction
Part	II	Identification
Part	III	Evaluation and Eligibility
Part	IV	IEP Development/Implementation/Review/Revision
Part	V	Placement in the Least Restrictive Environment

Part	V	Program Exit
Part	VII	Procedural Safeguards and Confidentiality
Part	VIII	Personnel
Part	IX	Funding
Part	X	Compliance Monitoring

Related appendices follow these parts. A glossary of commonly used terms and a resource list have also been included.

SECTION 4. BASIC CONCEPTS

Districts must provide special education and related services to eligible children with disabilities beginning at age 3 and continuing through age 21 (a student who is age 21 on the first day of the school year is entitled to FAPE for the entire year even if his/her 22nd birthday occurs during the school year).

The following concepts form the foundation of special education services and will be discussed in the remainder of this section: Free Appropriate Public Education (FAPE), Least Restrictive Environment (LRE), Disability, Special Education, and Related Services.

FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

The concept of FAPE means regular and special education and related services that:

- Are provided without charge to the parent - FREE;
- Are provided in conformity with an appropriately developed Individualized Education Program (IEP) - APPROPRIATE;
- Are provided at public expense, under public supervision and direction - PUBLIC; and
- Include pre-school, elementary school, and secondary school education that meet the education standards, regulations, and administrative policies and procedures issued by the State Education Agency - EDUCATION.

FAPE is required for a child with a disability who needs special education and related services, even though the child is advancing from grade to grade.

FAPE must be provided to the following children:

1. Those who experience a disability (as defined later in this section).
2. Those who are age 3 through 21 and have not graduated with a regular high school diploma.

3. Those who reside within the district's jurisdiction regardless of the residence of the child's parents (see Part IV, Section 2 - Responsibility for Development and Implementation of IEP).

   Note: State boarding schools and districts operating a statewide correspondence program (who enroll children from outside their district) are responsible for assuring that FAPE is provided to children with disabilities enrolled in their programs. Also, the requirement to provide special education and related services to children with disabilities voluntarily enrolled by their parents in a private school has been limited to the level of service required by IDEA 97 (See Part IV, Section 19, Private Schools).

4. Those who are placed in an out-of-state educational setting by the district or another state agency.

To provide FAPE, the IEP must address all of the child's identified special education and related services needs. The needed services and placement must be based on the child's unique needs and not on the child's disability.

FAPE for Children Suspended or Expelled

1. FAPE for children with disabilities suspended or expelled for 10 days or less in a school year
   - No services are required if services are not provided to a student without disabilities who has been similarly removed.
2. Children with disabilities removed for more than 10 days in a school year
   - Provide services to enable the student to progress in the general curriculum and advance toward achieving his/her IEP goals (See Part IV, Section 12, Student Discipline).

FAPE for Students in Adult Correctional Facilities

Students, aged 18-21 years in adult correctional facilities are entitled to services if:

1. The student received services under an IEP, in their last educational setting even if the student left school prior to his/her incarceration; or
2. The student did not have an IEP in their last educational setting, but had been identified as a child with a disability.

Exceptions to Provision of FAPE

1. Students graduating with a regular high school diploma are no longer entitled to FAPE.
2. No services are required for students 18-21 years old in adult correctional facilities if, in the last educational placement prior to their incarceration in an adult correctional facility,

- The student was not previously identified as a child with a disability, and,
- The student did not have an IEP.

LEAST RESTRICTIVE ENVIRONMENT (LRE)

IDEA 97 states that, to the maximum extent appropriate, children with disabilities are to be educated with children who are not disabled. This concept is known as the least restrictive environment (LRE). The IEP must contain an explanation of the extent, if any, to which the child will not participate in the general education classroom and curriculum, and extracurricular, or other nonacademic activities (See Part V of the Handbook for more information).

DISABILITY

Two federal laws protect children with disabilities: the Individuals with Disabilities Education Act (IDEA 97), and Section 504 of the Vocational Rehabilitation Act of 1973. IDEA 97 and Section 504 are administered by the U.S. Department of Education, Office of Special Education and Rehabilitative Services (OSERS). However, the authority for compliance with the two laws lies within two different divisions of OSERS.

The authority for ensuring compliance with IDEA 97 falls under the auspices of the Office of Special Education Programs (OSEP). IDEA 97 also gives responsibility for ensuring compliance with IDEA 97 directly to the States. The authority for ensuring compliance with Section 504 lies with the Office of Civil Rights (OCR). Both these laws are binding on school districts.

IDEA 97

Under IDEA 97, children with disabilities are those who meet the following three criteria:

1. The child has a physical or mental disability as defined in Part III (Specific eligibility criteria for the various disability categories are discussed in Part III, Section 8).
2. The presence of such physical or mental disability adversely affects the educational performance of the child.
3. Because of such physical or mental disability the child is in need of special education and related services.

Section 504

Section 504 defines disabled as:

> "Any person who has a physical or mental disability which substantially limits a major life activity or has a record of such disability or is regarded as having such a disability."

If a child is disabled under IDEA 97, the child will qualify as disabled under Section 504, since education is a major life activity (see Appendix I for more information on Section 504 and a sample Student Accommodation Plan). It is possible for a child qualified under Section 504 not to be eligible under IDEA 97. Furthermore, it is possible for a child with a disability not to qualify as disabled under either program. Examples of these situations follow:

1. A child who attends the regular school program has AIDS. This condition is not considered a disability under IDEA 97, but may be under Section 504.
2. A child who uses a wheelchair requires a ramp or elevator to get to classes in a school building. Once she is provided access, her educational performance is not adversely affected. Consequently, she does not require special education, although she would be considered disabled under Section 504.
3. Some children have a disability, such as mild cerebral palsy, which requires no special accessibility adaptations or special education and which does not substantially limit one or more of life's major activities. These children would not qualify as disabled under Section 504 or IDEA 97.

SPECIAL EDUCATION

Special Education means the specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability. Specially designed instruction means adapting the content, methodology, or delivery of instruction to address the unique needs of the child and to ensure access of the child to the general curriculum. Special education is a *service*, not a place.

Special Education includes

1. Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings.
2. Instruction in physical education.
3. Speech-language pathology services, or any other related service.
4. Travel training.
5. Vocational education.

In keeping with the criteria set forth previously, the child must be determined, through the evaluation process, to have a disability and be in need of special education. When a child meets both these criteria the IEP Team must identify the specific services that will comprise the special education program.

RELATED SERVICES

Related services means those supportive services that are required to assist a child with disabilities to benefit from special education. If a child does not need special education, there can be no related services provided under an IEP since a related service must be necessary for a child to benefit from special education.

A related service such as speech therapy may qualify by itself as special education. In such a case, the child must demonstrate a disability that meets one of the special education eligibility categories (such as speech-language impairment) and require specially designed instruction.

A child covered by Section 504 may be entitled to related services even if they are not in need of special education. Section 504 calls for the provision of regular or special education *or* the provision of related services.

Services commonly listed as related services include: transportation; speech language pathology and audiology services; psychological services; physical and occupational therapy; recreation, including therapeutic recreation; early identification and assessment of disabilities in children; counseling services, including rehabilitation counseling; orientation and mobility services; diagnostic and evaluative medical services; school health services; social work services; and parent counseling and training. Assistive technology services and transition services may also be related services (see glossary for definitions of these related services).

A service may be a benefit to a child with a disability, but this does not automatically qualify it as a related service. There are services that may be of benefit to such a child, but may not be the responsibility of the district to provide because the services are not required for a child to benefit from special education. For example, a student with a speech impairment that does not adversely affect his educational performance would not require special education services.

PART II

IDENTIFICATION

Sections

1. Introduction
2. Child Find Coordination
3. Annual Public Notice
4. Referrals
5. Screening Programs
6. Regular Education Intervention

SECTION 1. INTRODUCTION

There are two phases involved in establishing that a child has a disability and requires special education. The first phase is **identification**. The second phase is **evaluation**.

Identification requires the least amount of effort and time necessary for appropriately identifying children who need to be evaluated. **Evaluation** must be as extensive as necessary to determine whether a child is eligible for special education and to develop a comprehensive special education program. This part of the handbook addresses the components of the Identification Process; Part III covers the Evaluation and Eligibility process.

Each district must establish and implement an ongoing system to identify and locate children, birth through 21 years of age, suspected of having a disability who reside within the district, regardless of the severity of the disability. This includes highly mobile children, such as migrant or homeless children, children who have been suspended or expelled, and children suspected of having a disability, even though they are advancing from grade to grade. This system must include children who are enrolled in public schools, including charter schools and correspondence programs; private or parochial schools; children who are educated in their homes by a parent or legal guardian, and educational programs in correctional or youth detention facilities in the district.

The Department of Health and Social Services (DHSS) conducts Child Find activities for children from birth through 3 years of age. Districts are strongly encouraged to coordinate and collaborate with their local infant learning program (ILP) in Child Find activities and to establish interagency agreements outlining each agency's responsibilities in relation to Child Find.

The components and procedures of the system must be detailed in a written Child Find Plan. The basic components to be addressed in the plan are:

1. Identification of Child Find Coordinator
2. Coordination of Child Find activities
3. Annual public notice
4. Referrals
5. Screening

Each of these components is discussed in more detail below. A model Child Find Plan can be found in Appendix B.

SECTION 2.   CHILD FIND COORDINATION

The district must appoint a Child Find Coordinator who coordinates the development, revision, implementation, and documentation of the Child Find system. In smaller districts this responsibility may remain with the Director of Special Education. Required procedural safeguards must ensure that children's rights to privacy and education are protected.

SECTION 3.   ANNUAL PUBLIC NOTICE

Annual public notice must be given to inform the community about the right to, and availability of, educational services for children with disabilities. This includes highly mobile children, such as migrant and homeless children, and students in juvenile detention centers and adult correctional facilities. The notice must be calculated to reach all persons within the district and all persons responsible for children who are enrolled in the district's statewide correspondence program. It may include dissemination of information through public meetings, posters, brochures, newspapers, radio, television, and presentations to community groups and agencies.

The content of the public notice should include at least the following information:

1. The types of disabilities that qualify as a disabling condition.
2. The educational needs of children with disabilities.
3. The rights of children with disabilities (FAPE).
4. The services available to children with disabilities.
5. Confidentiality protections.
6. Who to contact in the district (e.g. Child Find Coordinator) and how to get in touch with that person.

The public notice must be disseminated on an annual basis and be provided in each language for which a bilingual program is required in the district. Additionally, the district must maintain a yearly record of its techniques to ensure public awareness (e.g., clippings from newspapers, copies of brochures and letters).

SECTION 4.   REFERRALS

A procedure must be established to receive referrals of children suspected of having a disability. Referrals must be acted on without undue delay. The district must inform parents, interested agencies, and school personnel of the referral procedures. All referrals should be made on a standard referral form (see sample in Appendix B) and routed to the Child Find Coordinator. The Child Find Coordinator may need to provide assistance in filling out the form to the person making the referral, such as a parent, teacher, or agency representative. After the referral is made, the Child Find Coordinator should gather information about the child available in school records, (e.g. health history, family history, previous evaluations, records of past school performance).

The Child Find Coordinator should also review each referral to determine its appropriateness. For example, a referral to special education only because a student is pregnant would not be an appropriate referral. If a parent-initiated referral is deemed to be inappropriate, (that is, the district does not believe a special education referral is warranted) parents *must* receive a written notice stating the reasons for the district's refusal and a copy of the procedural safeguards notice.

Upon determination of an appropriate referral, the Child Find Coordinator shall provide "prior written notice" to the child's parents (see Part VII, Section 3 and Appendix E) and alert the district's special education director of the need to assign an Evaluation Coordinator to oversee the required evaluation.

> **Note:** It is the responsibility of the district's Child Find Coordinator to coordinate with local infant learning programs about children eligible for preschool special education services to ensure that these services are in place by the child's 3rd birthday.

SECTION 5. SCREENING PROGRAMS

A district must establish and implement written procedures for screening all children in the district ages 3 through 21. Screening programs are intended to efficiently collect objective information in a few critical areas to complement any existing subjective information. Suggested screening guidelines are provided as part of the model Child Find Plan in Appendix B.

Each child must receive a physical examination when the child enters school, and thereafter at regular intervals considered advisable by the district. Vision and hearing screening must also be given to each child when entering school and at intervals specified by the district. Districts are also required to complete a "Developmental Profile" on each child entering kindergarten that includes developmental information on physical well-being and motor development, language and literacy development, personal and social development, thinking and cognitive development, and the child's background. Other required screenings may be conducted in cooperation with other agencies.

SECTION 6. REGULAR EDUCATION INTERVENTION

The rationale for systematic regular education intervention is to identify problems early and prevent them from becoming major problems. Successful regular education interventions can negate the need for enrolling the child in a special education program, as well as avoid the stigma and "labeling" often associated with receiving special education. However, regular education intervention activities must *not* be instituted to divert or delay a referral to special education.

One type of regular education intervention support is to informally share effective interventions with parents and teachers. A second type of regular education intervention is more formalized and might involve (1) specific support to parents and/or classroom teachers from school personnel, (2) documentation of specific interventions tried, and (3) formative measurement of student progress in areas of difficulty.

The support for school personnel may come from school psychologists, special education consulting teachers, principals, district curriculum consultants, or some combination of available support services. The interventions may involve curriculum adaptations; social skills training implemented in the home and/or classroom; cooperative learning activities; changes in classroom organization; and changes in the teaching techniques, school placement, or schedule (refer to Appendix I for examples of accommodations and intervention activities). It is recommended that the school inform the child's parents of the regular education interventions being implemented.

The type, duration, and result of regular education interventions should be well documented. The evaluation data collected and recorded will indicate the effectiveness of various interventions. If the child is referred for an individual evaluation, this regular education intervention information will provide important additional data to determine areas of need and to make recommendations.

PART III

EVALUATION & ELIGIBILITY

Sections

1. Purpose of an Evaluation
2. Initial Evaluation
3. Parental Consent
4. Information from Other Agencies
5. Evaluation Procedures
6. Reevaluation Procedures
7. Evaluation Summary & Eligibility Report
8. Eligibility Criteria for Disability Categories

SECTION 1. PURPOSE OF AN EVALUATION

The purpose of conducting an evaluation is to:

1) gather information to determine whether a child has a disability and is eligible for special education, and
2) determine the nature and extent of the special education and related services that the child needs.

All evaluation procedures must be provided at no expense to the parent.

SECTION 2. INITIAL EVALUATION

Before a child may be evaluated, the district must notify the parents in writing. This notice must describe any evaluation procedure that the district proposes to use. Parents must give their informed consent before their child may be evaluated. See Section 3 of this chapter regarding consent.

Review of Existing Data

As part of an initial evaluation, a group consisting of qualified professionals and a parent of the child examine evaluation data already available on the child. Examples of data that may be examined include:

1. Information and evaluations provided by the child's parents.
2. Current classroom-based assessments, interventions, and observations.
3. Teacher or related service providers' observations.
4. Classroom work samples.
5. Behavioral observations and assessments.

On the basis of that review, the team identifies what additional information, if any, is needed to determine:

1. Whether the child demonstrates a disability.
2. The child's present levels of performance and educational needs.
3. Whether the child requires special education and related services.
4. Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP and to participate, as appropriate, in the general curriculum.

Note: The team that determines if additional evaluation data are needed may conduct the review without a meeting. Parental consent is not required before reviewing existing data as part of an evaluation or administering a test/evaluation that is given to all children (unless consent is required of parents of all children).

Determination That No Additional Data Are Needed

If the group of qualified professionals and a parent of the child find that enough evaluation data exist to make the above determinations, then no additional evaluations are needed. In all instances, parents have the opportunity to be part of the team that makes that determination. Therefore, no parental consent is necessary if no additional data are needed to conduct the evaluation or reevaluation.

Determination That Additional Data Are Needed

If the group of qualified professionals and a parent of the child conclude that not enough data exist to make the above determinations, the district must administer the necessary tests and evaluations to produce the needed data.

SECTION 3. PARENTAL CONSENT

The following parental consents are required as initial steps in the evaluation process:

1. The parents' signature indicating consent to conduct the initial evaluation must be received before any evaluation can be conducted. **Only a parent, a guardian, a person acting as a parent, or a surrogate parent can provide consent for initial evaluations.**

   Note: When a child is determined eligible for special education services, the IEP must be implemented within 45 school days of receiving parental consent for the initial evaluation.

2. The parent's signature indicating consent to release information must be received in order for non-educational agencies to release information.

Parental consent is necessary when any assessment instrument is administered as part of an evaluation or reevaluation. However, districts are not required to obtain parental consent for teacher and related service provider observations, on-going classroom evaluation, or the administration of, or review of, the results of adapted or modified assessments that are administered to all children in a class, grade, or school.

Parental consent for evaluation should not be construed as consent for placement or receipt of special education and related services.

Parent Refuses Consent for Initial Evaluation

If a parent refuses consent for an initial evaluation, the child cannot be evaluated. If the district believes an evaluation is warranted, the district may request mediation or a due process hearing. If the mediation results in parental consent to evaluate, or a hearing officer decision indicates that testing is appropriate and the parent does not appeal, then the child may be evaluated.

Consent

Consent means:

1. That the parent has been fully informed, in his or her native language or other mode of communication, of all information relevant to the activity for which consent is sought.
2. The parent understands and agrees in writing (the parent's signature) to the carrying out of the activity for which the parent's consent is sought.
3. The consent describes that activity and lists any records that will be released and to whom.
4. The parent understands that the granting of consent is voluntary and may be revoked prior to the action requiring consent transpiring.

   (See Appendix C for a sample Consent for Initial Evaluation form.)

Revoking Consent for an Initial Evaluation

A parent who has provided consent for an initial evaluation may revoke that consent any time prior to the evaluation occurring. However, once the evaluation has been completed, a parent may not revoke consent to revert the child to a previous status, or to have the evaluation disregarded.

SECTION 4. INFORMATION FROM OTHER AGENCIES

Upon receipt of parental consent, if appropriate, letters requesting information may be sent to individuals and agencies who have had contact with the child (inclusion of a stamped self-addressed envelopes will facilitate a timely response.). A copy of the signed consent form should be included with the letters and retained in the child's confidential file (see Appendix C for Authorization to Obtain Information form). Sources of this additional information may include:

1. Records from health and social service agencies.
2. Records from pre-school programs.
3. Records from legal service agencies.
4. Records from non-school professionals (e.g., physicians, social workers, and psychologists).

Federal laws and regulations do not require parental consent for the district to request information from other districts that the child has attended or in which the child intends to enroll.

SECTION 5. EVALUATION PROCEDURES

A variety of assessment tools and strategies are used to gather relevant functional and developmental information about the child, including information provided by the parent. This information is used by the team to determine whether the child has a disability, the child's present levels of performance and educational needs, and, if eligible for special education and related services, the content of the child's IEP. The information is also used to determine whether modifications are needed to enable the child to achieve his or her annual IEP goals, and to participate in the general curriculum. For preschool children, this information is used to help them participate in age appropriate activities.

Evaluation Procedures

All evaluations must abide by the following requirements:

1. A child must be evaluated in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional functioning, general intelligence, academic performance, communicative status, and motor abilities. In addition, the evaluation must be sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not they are commonly linked to the disability category in which the child is classified.
2. No single assessment procedure may be used as the sole criterion for determining whether a child has a disability and for determining an appropriate educational program for the child.
3. Evaluation materials must be technically sound and may assess the relative contribution of cognitive and behavioral factors, in addition to physical and developmental factors.
4. Evaluation materials and procedures must be appropriate to determine the nature and extent of a learning impairment and directly assist in identifying areas of educational need.
5. Evaluation materials and procedures must be validated for the specific purpose for which they are to be used.
6. Evaluation of a child who may have limited English proficiency should assess the child's proficiency in English as well as the child's native language to distinguish language proficiency from disability needs (see Appendix C for the Alaska Language Categories).
7. Evaluation materials and procedures used to assess a child with limited English proficiency must be selected and administered to ensure they measure a potential disability and need for special education, rather than English language skills.
8. Evaluation materials and procedures must be in the child's native language or other mode of communication unless it is clearly not feasible to do so.

a. The native language of the child is that language normally used by the child in the home/learning environment.

b. For individuals with deafness/blindness/no written language, it is the mode of communication normally used, e.g., sign language, Braille, or oral communication.

c. A determination of "not feasible" is made when an individual after reasonable effort cannot be located who is capable and willing at a reasonable cost to:

- Communicate in the child's primary language; or
- Communicate in the child's most frequent mode of communication

d. If a district determines that it is "not feasible" to conduct the evaluation in the child's primary language or other mode of communication, the district must document its reasons and describe the alternatives used. Even in situations where it is not feasible to assess the child in his or her native language or mode of communication, the group of qualified professionals and a parent of the child must still obtain and consider accurate and reliable information that will enable them to make an informed decision as to whether the child has a disability and the effects of the disability on the child's educational achievement.

9. Evaluation materials and procedures must be administered in adherence with the developer's instructions and by appropriately trained personnel. If an assessment is not conducted under standard conditions (e.g., qualifications of test administrator or method of test administration), this must be noted in the evaluation report.

10. All materials and procedures used for assessing and identifying children with disabilities must be selected and administered so as not to be biased in terms of race, gender, culture or socioeconomic status.

11. Tests must be selected and administered so as best to ensure that when a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).

12. Tests and other evaluation materials include those tailored to assess specific areas of educational need (including current classroom-based assessments and observations of the teacher and related service providers, physical condition, social or cultural background, information provided by the parents, and adaptive behavior), and not merely those that are designed to provide a single general intelligence quotient.

13. Information obtained from all of these sources, including evaluations and information provided by the parent, must be documented and carefully considered.

14. A child shall not be determined to have a disability if the determinant factor is lack of instruction in reading or math, or limited English proficiency.

Note: The presence of a disability is not sufficient to establish eligibility for special education. The disability must result in an educational deficit that requires specially designed instruction (i.e., special education).

SECTION 6. REEVALUATION PROCEDURES

The district must ensure that a reevaluation of each child with a disability is conducted every 3 years, or more frequently if conditions warrant, or if the child's parent or teacher makes a reasonable request for such an individual evaluation. "Conditions warrant" means when there is sufficient information to suspect that a significant change in a child's educational functioning is occurring that may necessitate change in the child's educational program.

A reevaluation refers to any evaluation that is conducted after a student has been determined eligible for special education. Once a child has been evaluated the first time and a decision has been made that the child is eligible, any subsequent evaluation would constitute a reevaluation. All reevaluation procedures must be provided at no expense to the parents.

For a child whose eligibility category is early childhood developmental delay, reevaluation by the IEP Team and other qualified professionals is required before the child's 9th birthday. The reevaluation will determine whether the child continues to be eligible for special education and related services.

Reevaluation is not required before the termination of a student's eligibility for special education services due to graduation with a regular high school diploma or exceeding the age eligibility for FAPE (21 years). However, either of these events constitutes a "change of placement" that requires prior written notice be given a reasonable amount of time before the termination of services occurs.

Consent for Reevaluation

Prior written notice must be provided and parental consent obtained prior to reevaluation if additional data/information are required. A single form that meets the requirements of consent and notice may be used. If the parent fails to respond to reasonable measures taken by the district to obtain consent, the school may proceed with the reevaluation. A district must document the measures it took to obtain consent.

As noted previously, parental consent is not required before reviewing existing data as part of the reevaluation or administering a test that is given to all children (unless consent is required of parents of all children). Therefore, no parental consent is necessary if no additional data are needed to conduct a reevaluation.

IEP Team Responsibilities

Prior to any reevaluation of a student:

1. The IEP Team and other qualified professionals will determine the nature and extent of the evaluation by reviewing existing data on the child. Data may include, for example, evaluations and information provided by the parent, current classroom-based assessments and observations, and teacher and related service providers' observations.
2. On the basis of its review of existing data, and input from the child's parents, the IEP Team and other qualified professionals will determine what additional data, if any, are needed to determine:
    a. Whether the child continues to have a disability.
    b. The present levels of performance and educational needs of the child.
    c. Whether the child continues to need special education and related services.
    d. Whether any additions or modifications to the special education and related services are needed to enable the child to meet the IEP goals and to participate in the general curriculum.
3. If the IEP Team and other qualified professionals determine that additional data are not required, the district must clearly document that decision and provide prior written notice to the parents of that determination and the reason for the determination. The district must also inform the parent of his or her right to request further assessment to determine whether the child continues to have a disability.
4. Based on recommendations from the IEP Team and other qualified professionals, the district will seek parental consent and administer the needed assessments.

SECTION 7. EVALUATION SUMMARY & ELIGIBILITY REPORT

Upon completion of the administration of tests and other evaluation materials, a determination of whether the student is eligible for special education services shall be made by a group of qualified professionals and a parent of the child. Previously, this eligibility group was referred to as the IEP Team in order to distinguish it from the MDT (multi-disciplinary team). However, the required membership and purpose of the eligibility group and the IEP Team are not the same and so the phrase *group of qualified professionals and a parent of the child* is used in the current revision in keeping with IDEA 97. A written evaluation/eligibility report must be prepared to document that a child is eligible for special education. The report must summarize the information from all the evaluations. A copy of the report must be given to the parent.

To the extent feasible, the results of evaluations should be provided to parents and appropriate school personnel before any meeting to discuss identification, evaluation, placement, or FAPE.

The Evaluation Summary & Eligibility Report should include at least the following information: (see Appendix C for sample Evaluation Summary & Eligibility Report.)

1. The date of the report (for an initial evaluation, this date represents the date the child is determined eligible for special education).
2. The name, birthdate, and gender of the child.
3. The dates the evaluations were conducted.
4. A list of the members of the team consisting of qualified professionals and a parent of the child.
5. The signature of each team member.
6. A description of the child's current levels of educational performance.
7. A description of environmental, cultural, or economic factors, if appropriate (required for learning disabilities; should be considered for emotional disturbance, mental retardation, and speech impaired).
8. A summary of the team's discussion.
9. The disability category, and a statement of whether the child requires special education and related services.
10. Dissenting opinions, if any.

Note: If a parent disagrees with the district evaluation, the parent has the right to an independent educational evaluation (see Part VII, Section 7).

SECTION 8. ELIGIBILITY CRITERIA FOR DISABILITY CATEGORIES

Listed below are the criteria for the 14 disability categories that must be used to determine whether a child demonstrates a disability and is in need of special education and related services. The presence of a disability is not sufficient to establish eligibility for special education. The disability must result in an educational deficit that requires specially designed instruction (i.e. special education).

1. **Autism**

To be eligible for special education and related services as a child with autism, a child must:

a. exhibit a developmental disability significantly affecting verbal and non-verbal communication and social interaction, generally evident before age three, that adversely affects educational performance; and

b. require special facilities, equipment, or methods to make the child's educational program effective; and

c. be diagnosed as autistic by a psychiatrist, physician, or psychologist; and

d. be certified by a group consisting of qualified professionals and a parent of the child as qualifying for and needing special education services.

e. characteristics of autism include:

- irregularities and impairments in communication.
- engagement in repetitive activities and stereotyped movements.
- resistance to environmental change or change in daily routines.
- unusual responses to sensory experiences.

A child who manifests the above characteristics after age 3 may be diagnosed as having autism.

Note: A child identified with pervasive developmental disorder (PDD) should not be determined eligible under the category of "Autism", but may be found eligible under another category by the team.

2. Deafness

To be eligible for special education and related services as a child with deafness, a child must:

a. exhibit a hearing impairment that hinders the child's ability to process linguistic information through hearing, with or without amplification and that adversely affects educational performance; and

b. require special facilities, equipment, or methods to make his or her educational program effective; and

c. be diagnosed by a physician or audiologist as deaf; and

d. be certified by a group consisting of qualified professionals and a parent of the child as qualifying for and needing special education services.

3. Deaf-Blindness

To be eligible for special education and related services as a child with deaf-blindness, a child must:

a. exhibit concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that the child cannot be accommodated in a special education program solely for deaf or blind children; and

b. require special facilities, equipment, or methods to make his or her educational program effective; and

c. be diagnosed by an optometrist or ophthalmologist and by a physician or audiologist, as appropriate, as deaf-blind; and

d. be certified by a group consisting of qualified professionals and a parent of the child as qualifying for and needing special education services.

4. Early Childhood Developmental Delay

To be eligible for special education and related services as a child demonstrating an early childhood developmental delay, a child must:

a. be not less than 3 years old nor more than 8 years of age; and

b. be certified by a group consisting of qualified professionals and a parent of the child as qualifying for and needing special education services by meeting the following criteria:

(i) function at least two standard deviations below the national norm or 25% delayed in age equivalency in at least one of the following areas:

- cognitive development
- physical development which includes fine and gross motor
- speech or language development which includes expressive and receptive language, articulation, fluency, voice
- social or emotional development and
- adaptive-functioning, self-help skills;

or

(ii) function at least 1.7 standard deviations below the mean or 20% delayed in age equivalency in two or more of the five areas in "b" above;

(iii) have learning problems that are not primarily the result of bilingualism, cultural difference, environmental disadvantage, or economic disadvantage;

and

(iv) require special facilities, equipment, or methods to make the child's educational program effective.

When evaluating the child, if it is clearly not appropriate to use a norm-referenced instrument, another instrument, such as a criterion-referenced measure, may be used to document the delay.

The determination of a delay and the detrimental effect on the child's daily life and educational performance shall be based on qualitative and quantitative measures, including developmental history, basic health history, observation of the child in multiple environments, and supportive evidence of how the disability adversely affects education performance.

If the district decides not to use the criteria for early childhood developmental delay as outlined above, the district shall apply the eligibility criteria of one of the other disability categories in this section in determining the child's eligibility for special education and related services. The category *early* *childhood developmental delay* should not be used when the child clearly meets the eligibility for another disability category.

5. Emotional Disturbance

To be eligible for special education and related services as a child with emotional disturbance, a child must:

(a) exhibit one or more of the following characteristics over a long period of time and to a marked degree that adversely affects educational performance:

- an inability to learn that cannot be explained by intellectual, sensory, or health factors;
- an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
- inappropriate types of behavior or feelings under normal circumstances;
- a generally pervasive mood of unhappiness or depression; or
- a tendency to develop physical symptoms of fears associated with personal or school problems.

(b) require special facilities, equipment or methods to make his or her educational program effective; and

(c) be diagnosed as emotionally disturbed by a psychiatrist or psychologist; and

(d) be certified by a group consisting of qualified professionals and a parent of the child as qualifying for and needing special education services.

Note: The term includes children who are schizophrenic but does not include children who are socially maladjusted unless it is determined that they have an emotional disturbance. It is important to distinguish children demonstrating an emotional disturbance from children with other behavior problems. Appendix J provides some clarification of terminology to assist in making these distinctions.

6. Hearing Impairment

To be eligible for special education and related services as a child with a hearing impairment, a child must:

(a) exhibit a hearing impairment, whether permanent or fluctuating, that adversely affects educational performance but is not within the meaning of deaf; and

(b) require special facilities, equipment, or methods to make his or her educational program effective; and

(c) be diagnosed by a physician or audiologist as hard of hearing; and

(d) be certified by a group consisting of qualified professionals and a parent of the child as qualifying for and needing special education services.

7. Specific Learning Disability

To be eligible for special education and related services as a child with a learning disability, all of the following six components must be addressed:

(a) The child must exhibit a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations.

The term **specific learning disability**:

- includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.
- does not include children who have learning problems that are primarily the result of a visual disability; motor disability; hearing disability; mental retardation; emotional disturbance; environmental, cultural or economic disadvantage.

(b) The group of qualified professionals and a parent of the child must show that:

- The child demonstrates limited academic achievement for his or her age and ability levels in one or more of the following areas when provided with learning experiences appropriate for the child's age and ability levels:

  oral expression; listening comprehension; written expression; basic reading skills; reading comprehension; mathematics calculation; or mathematical reasoning; and,

- The child demonstrates a severe discrepancy between intellectual ability and academic achievement in one or more of the above-mentioned areas.

(c) The team must also ensure the following:

- At least one team member, other than the child's regular teacher, must observe the child's academic performance in the regular classroom setting;
- In the case of a child who is of less than school age or is out of school, a team member must observe the child in an environment appropriate for a child that age; and,
- The observation report must document the name and title of the observer, as well as the date and place of the observation. This report must also be attached to the Evaluation Summary and Eligibility Report.

(d) The group of qualified professionals and a parent of the child must prepare a written report of the evaluation results that includes statements of:

- Whether the child has a specific learning disability;
- The basis for making the determination;

- The relevant behavior(s) noted during the observation of the child;
- The relationship of the behavior(s) to the child's academic functioning;
- Medical information, if any, related to the child's educational functioning,
- The nature of the severe discrepancy between intellectual ability and academic achievement which is not correctable without special education and related services; and,
- The determination of the team regarding the effects of environmental, cultural, or economic factors on the child's academic performance.

The report must be dated and team members must indicate their agreement or disagreement with the report's conclusions, and then sign the report. A team member who disagrees with the conclusions of this report must submit a separate statement of his or her own conclusions.

(e) The child must require special facilities, equipment, or methods to make his or her education program effective.

(f) The child must be certified by a group consisting of qualified professionals and a parent of the child as qualifying for and needing special education services.

8. Mental Retardation

To be eligible for special education and related services as a child with mental retardation, a child must:

(a) score two or more standard deviations below the national norm on an individual standardized test of intelligence; and

(b) exhibit deficits in adaptive behavior manifested during the developmental period that adversely affect the child's educational performance; and

(c) require special facilities, equipment or methods to make his or her educational program effective; and

(d) be diagnosed as mentally retarded by a psychiatrist or psychologist; and

(e) be certified by a group of qualified professionals and a parent of the child as qualifying for and needing special education services.

9. Multiple Disabilities

To be eligible for special education and related services as a child with multiple disabilities, a child must:

(a) exhibit two or more of the impairments described in this section, the combination of which causes such severe education problems that he or she cannot be accommodated in a special education program for solely one of the conditions; and

(b) require special facilities, equipment, or methods to make his or her educational program effective; and

(c) be diagnosed as described in this section for each condition; and

(d) be certified by a group consisting of qualified professionals and a parent of the child as qualifying for and needing special education services that cannot be provided in a program for a single condition set out in this section.

Note: The term multiple disabilities does not include deaf-blindness. Children with multiple disabilities exhibit two or more severe disabilities that are likely to be life-long, significantly interfere with independent functioning, and necessitate environmental modifications to enable the individual to participate in school and society. A learning disability and speech or language impairment does not constitute a multiple disability. Likewise, a child with mental retardation who receives speech therapy as a related service would not be found eligible under this category.

10. Orthopedic Impairment

To be eligible for special education and related services as a child with an orthopedic impairment, a child must:

(a) exhibit a severe orthopedic impairment, including impairments caused by a congenital anomaly, disease or other causes, that adversely affects educational performance; and

(b) require special facilities, equipment, or methods to make his or her educational program effective; and

(c) be diagnosed by a physician as orthopedically impaired; and

(d) be certified by a group consisting of qualified professionals and a parent of the child as qualifying for and needing special education services.

11. Other Health Impairment

To be eligible for special education and related services as a child with a health impairment, a child must:

(a) exhibit limited strength, vitality, or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes; or a heightened alertness to environmental stimuli due to Attention Deficit Disorder (ADD) or attention deficit hyperactivity disorder (ADHD) that adversely affects educational performance;

(b) require special facilities, equipment, or methods to make his or her educational program effective; and

(c) be diagnosed by a physician; and

(d) be certified by a group consisting of qualified professionals and a parent of the child as qualifying for and needing special education services.

12. Speech or Language Impairment

To be eligible for special education and related services as a child with a speech or language impairment, a child must:

(a) exhibit a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects educational performance; and

(b) require special facilities, equipment, or methods to make his or her educational program effective; and

(c) be diagnosed by a physician, speech-language pathologist, or a speech-language therapist as speech or language impaired; and

(d) be certified by a group consisting of qualified professionals and a parent of the child as qualifying for and needing special education services.

13. Traumatic Brain Injury

To be eligible for special education and related services as a child with a traumatic brain injury, a child must:

(a) exhibit an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial maladjustment, or both, that adversely affects educational performance. The term includes open or closed head injuries resulting in mild, moderate, or severe impairments in one or more areas, including cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not include brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma; and

(b) require special facilities, equipment, or methods to make his or her educational program effective; and

(c) be diagnosed by a physician as having a traumatic brain injury; and

(d) be certified by a group consisting of qualified professionals and a parent of the child as qualifying for and needing special education services.

14. Visual Impairment

To be eligible for special education and related services as a child with a visual impairment, a child must:

(a) exhibit a visual impairment, not primarily perceptual in nature, resulting in measured acuity of 20/70 or poorer in the better eye with correction, or a visual field restriction of 20 degrees as determined by an optometrist or ophthalmologist, that even with correction, adversely affects educational performance; or

(b) exhibit a physical eye condition that affects visual functioning to the extent that specially designed instruction is needed; and

(c) require special facilities, equipment, materials, or methods to make his or her educational program effective as determined by a teacher of students with visual impairments; and

(d) be certified by a group consisting of qualified professionals, which includes a certified teacher of students with visual impairments, and a parent of the child as qualifying for and needing special education services.

PART IV

IEP DEVELOPMENT, IMPLEMENTATION, REVIEW & REVISION

Sections

1. Overview
2. Responsibility for Development and Implementation of the IEP
3. When an IEP Meeting Must Be Convened
4. Participants in IEP Meetings
5. Parent Participation
6. When an IEP Must Be in Effect
7. Guidelines on IEP Preparation
8. Content of the IEP
9. Individualized Family Service Plan
10. Proper Functioning of Hearing Aids
11. Physical Education & Vocational Education on the IEP
12. Discipline Procedures
13. Extended School Year (ESY) Services
14. Secondary Transition Services
15. Assistive Technology Devices & Assistive Technology Services
16. Statewide and District Assessments
17. Parent & District Disagreement with an IEP
18. Charter Schools
19. Statewide Correspondence Study Programs
20. Private Schools
21. Juvenile & Adult Correctional Facilities
22. Review/Revision of IEP
23. IEPs for Children from Infant/Toddler Programs

SECTION 1. OVERVIEW

The individualized education program (IEP) is the heart of IDEA 97. It is a written statement that is developed, reviewed, and revised in an IEP meeting and serves as a communication vehicle between a parent and the district.

An effective process that engages parents and school personnel in a meaningful discussion of the child's educational needs must be used in developing the IEP. The completed IEP should be the product of collaboration between parents and educators who, through full and equal participation, identify the unique needs of a child with a disability and plan the services to meet those needs.

The IEP is not a performance contract or a guarantee by the district and the teacher that a child will progress at a specified rate. However, the district must ensure that all services set forth in the child's IEP are provided, and it is also obligated to make good faith efforts to assist the child in achieving his or her IEP goals and objectives.

Parent Participation

IDEA 97 requires that parents have an opportunity to participate in meetings with respect to the identification, evaluation, and educational placement, and the provision of FAPE to their child. Parents must be part of the team that determines their child's eligibility and the team that makes decisions on the educational placement of their child. Parental concerns and the information they provide must be considered in developing and reviewing the IEP. Parents must also be kept informed about the educational progress of their child, particularly as it relates to their progress in the general curriculum.

Development of the IEP

Development of the IEP begins with the evaluation and identification of a child with a disability who is eligible for special education services. Upon reviewing the results of the most recent evaluation data, information is summarized to describe the child's present levels of educational performance and how the child's disability affects involvement and progress in the general education curriculum or age-appropriate activities. Appropriate services and accommodations are then considered in order to plan a program that will meet the child's needs. Measurable goals and objectives (or benchmarks) are written to assess the child's progress, and the appropriateness of the services to be provided over the next year. Finally, placement decisions are based on the IEP.

An IEP contains goals and objectives (or benchmarks) to monitor and measure the effectiveness of the services. The IEP must be developed within 30 days after the IEP Team makes a determination of eligibility. However, the total time between parental consent to evaluate and implementation of the IEP must not exceed 45 school days. The IEP must be implemented as soon as possible after it has been developed. An IEP must be in effect at the beginning of each school year and before special education and related services are provided to the child.

SECTION 2. RESPONSIBILITY FOR DEVELOPMENT AND IMPLEMENTATION OF THE IEP

With the exception of state boarding schools and statewide correspondence programs that enroll out-of-district students (see Section 19 of this Part), the district in which the child resides is responsible for developing the IEP and scheduling the IEP meetings. This includes children placed by the district or a state agency in out-of-state programs.

Parent Invitation

The parent must be invited to IEP meetings. If a child resides in a district different than the parents, the parents still must be invited to the IEP meetings. If the parents are unable to attend the IEP meetings, they must be provided with the opportunity to participate in developing the IEP. To facilitate this, the district could:

1. Invite the parent to the meeting. This might be possible if the parent lives near the resident district, or if the resident district is willing to pay the traveling expenses of the parent.
2. Conduct the meeting at the resident district and involve the parent by telephone.

Implementing the IEP

Once the IEP is written, the district must immediately implement the IEP as written, regardless of any disagreement. Refusal of any IEP Team member to sign the IEP document does not affect the district's requirement to immediately implement the IEP. The IEP Team should work towards consensus and not make decisions based on a majority vote. If consensus cannot be reached, the district must provide the parent with prior written notice of its proposals/refusals. If the parent requests a hearing, the child must "stay put" unless an interim placement can be agreed upon by the parents and the district.

SECTION 3. WHEN AN IEP MEETING MUST BE CONVENED

An IEP meeting must be convened under the following circumstances:

1. Within 30 days of determining a child eligible for special education and related services.
2. On or before the IEP annual review date.
3. When considering a change in the IEP (including placement).
4. At the reasonable request of any IEP Team member including the parent, guardian, a person acting as a parent or surrogate parent, and the child's teacher.

5. To review or create an assessment plan to develop a behavior intervention plan in discipline matters related to suspensions or expulsions.

An IEP is in effect for one year only. It is not appropriate to use an IEP Amendment Form to extend the duration of an IEP. IEP meetings should be scheduled well in advance of the annual review date to ensure that all IEPs are current.

Note: Specific day-to-day adjustments in instructional methods and approaches that are made by either a regular or special education teacher to assist a child with a disability to achieve his or her annual goals would not normally require action by the child's IEP Team.

SECTION 4. PARTICIPANTS IN IEP MEETINGS

The district shall ensure that the IEP meetings include the following participants:

1. **The child's parents**

IDEA 97 emphasizes parental participation. A parent is an active participant in the IEP Team meeting and must be given the opportunity to share ideas, thoughts, and input regarding the IEP. The district shall invite and encourage parents or guardians to actively participate as equal members of an IEP Team to assist the district in developing an appropriate IEP. Parents are important team members who can:

a. Verify the accuracy of personal identifying information.

b. Provide information and observations about the level of the child's functioning in his or her home environment and community.

c. Provide information regarding the child's medical status.

d. Participate in developing educational goals and objectives based on the present levels of educational performance and identified needs.

e. Participate in determining the special education and related services to be provided.

f. Participate in identifying an appropriate educational program for the child.

Note: Although extremely desirable a district cannot require parents to participate and some parents may choose not to participate. If the parents do not attend the IEP meeting, the district must provide prior written notice to the parents along with a copy of the initial or revised IEP. This notification should inform the parents that the IEP will be implemented 10 school days after the IEP meeting date unless the parents formally request a due process hearing.

2. **The child, when appropriate**

A child should be invited to participate in the IEP meeting whenever appropriate. Furthermore, beginning at age 14, the child must be invited by the district to attend any IEP meeting at which transition is to be discussed.

Note: The child must be invited to attend the IEP meeting to ensure that the transition services component of the IEP addresses the child's needs, preferences, and interests. When it is deemed inappropriate for the child to attend an IEP meeting in which the need for transition services is being considered, the district should document the reasons that justify the child's nonparticipation. If the child does not attend the IEP meeting, the district must document how the child's needs, preferences, and interests have been taken into account.

3. A representative of the district

The IEP Team must include a representative of the district, other than the child's teacher, who is

a. Qualified to provide, or supervise the provision of special education.

b. Knowledgeable about the general education curriculum.

c. Knowledgeable about the availability of resources in the district with the authority to commit district resources and ensure that whatever services set out in the IEP will be provided.

A district may designate another IEP Team member to serve as the district representative (who can commit district resources), provided that this IEP Team member meets the other requirements for being a district representative (i.e. qualified to provide/supervise special education, knowledgeable about general curriculum, and availability of resources).

4. At least one special education teacher or special education provider

In deciding which teacher should participate, the district may wish to consider the following possibilities:

a. For a child with a disability who is receiving special education, the "teacher" could be the child's special education teacher. If the child's disability is a speech impairment, the "teacher" could be the speech-language pathologist.

b. For a child with a disability who is being considered for placement in special education, the "teacher" could be a teacher qualified to provide education in the type of program in which the child may be placed.

5. At least one regular education teacher

With the emphasis on involvement and progress in the general curriculum added by IDEA 97, regular education teachers have an increasingly critical role in implementing the program of FAPE for children with disabilities. It is rare when a regular education teacher is not required to be a member of the IEP Team.

A regular education teacher is required to participate in developing the IEP if a child is, or may be, participating in the general education environment. To the extent appropriate, the regular education teacher's participation may include the determination of appropriate positive behavioral interventions and strategies, supplementary aids and services, program modifications, and support needed for school personnel to provide services to, or on behalf of, a child. If the child has more than one regular education teacher, the district may designate which teacher or teachers of the child will participate on the IEP Team. While all regular education teachers of the child need not attend the IEP meeting, their input should be sought.

The regular education teacher need not participate in all IEP Team decisions or the entire meeting; the extent of the general education teacher's participation will depend on the child's needs and the purpose of the meeting. District staff and parents should come to an agreement on the extent of the regular education teacher's participation. The extent to which the regular education teacher will participate in IEP meetings must be decided on a case-by-case basis.

6. District staff to interpret instructional implications of evaluation results

The IEP Team must include an individual who can interpret the instructional implications of the evaluation results. This may be one of the members described above (i.e., the district representative, special education teacher or service provider, or the regular education teacher).

7. Representative of a private school

If a child with a disability is enrolled in a private school and receives special education from the district, a representative of the private school must be invited to attend the IEP meeting. If the representative cannot attend, the district must use other methods to ensure participation by the private school, including individual or conference telephone calls.

After a child with a disability enters a private school or facility, any meetings to review and revise the child's IEP may be initiated and conducted by the private school facility at the discretion of the district.

If the private school or facility initiates and conducts these meetings, the district shall ensure that the parents and a district representative:

a. Are involved in any decision about the child's individualized education program.

b. Agree to any proposed changes in the program before those changes are implemented.

Even if a private school or facility implements a child's IEP, responsibility for compliance with this part remains with the district.

8. Transition service providers, when appropriate

Any meeting to develop, review, or revise transition services in the IEP shall also include:

a. A school district representative responsible for providing or supervising the provision of transition services.

b. Representatives of other participating agencies that are likely to be responsible for providing or paying for the transition services included in the child's IEP.

It is important to consider that the needs of the transitioning child will change with time. The IEP Team configuration should reflect these changes.

Note: When the participation of other agencies is deemed appropriate and an agency representative is unable to attend the meeting, the district should document its efforts to involve other participating agencies in the IEP meeting. Alternative means of participation in IEP meetings may be considered for agency representatives who are unable to physically attend a meeting due to distance or time constraints (i.e. teleconference, written reports).

9. Related service personnel

If a child's evaluation indicates the need for a specific related service, the district should ensure that a qualified provider of that service attends the IEP meeting, or provides a written report concerning the nature, frequency, and amount of related service to be provided to the child.

10. Other individuals

At the discretion of the parent or district, other individuals who have knowledge or special expertise regarding the child may be invited to the meeting (the determination of whether the person invited has such knowledge or special expertise is made by the inviting party, be it the parent or district). The district must inform the parents of their right to bring other participants to the meeting. It would be appropriate for the district to ask whether the parents intend to bring additional participants to the meeting.

It would not be appropriate for union representatives to attend IEP meetings because they would be acting in the interest of the teacher and not possess knowledge or expertise regarding the child.

The attendance of attorneys at an IEP meeting is strongly discouraged due to the potential for creating an adversarial atmosphere that would not necessarily be in the best interests of the child.

Note: IEP participants must document their attendance at the meeting by signing the IEP form and indicating their role. Given the emphasis in IDEA 97 on children's access to, and participation in, the regular education environment, the majority of IEP meetings will need three people to be valid: the child's special education teacher or provider, a representative of the district, and a regular education teacher. One or both parents and the child whose need for transition services is being considered must also be invited to attend. If the parents refuse to attend, the district must document its efforts to involve the parents. If the child does not attend, the district must document how their needs, preferences, and interests were taken into account.

SECTION 5. PARENT PARTICIPATION

The district must take steps to ensure that one or both parents of the child with a disability are present at the IEP meeting, or are afforded the opportunity to participate including:

1. Scheduling the meeting at a mutually agreed upon date, time, and place.
2. Inviting the parents to the meeting at least 10 (ten) school days in advance unless the parents and district agree to an earlier date, or unless emergency circumstances in which disciplinary or safety issues require a meeting to be held at an earlier time.
3. Arranging individual telephone conference calls with parents if they are unable to attend.

Invitation to IEP Team Meeting

The invitation to the IEP meeting must indicate the purpose, time, and location of the meeting, as well as those who have been invited to attend and their role. The invitation can be either written or oral, and the district must keep a record of its efforts to contact the parents (Appendix D contains a sample invitation form). The district should also inform the parents of their right to bring other participants to the meeting. A copy of the Notice of Procedural Safeguards must be given to the parents upon notification of an IEP meeting.

If the meeting is to consider transition services for a child who is 14, or younger when appropriate, the notice must state this and indicate that the child will be invited along with personnel from other agencies who might be involved in the child's transition plan.

> **Note**: A *meeting* does not include informal or unscheduled conversations among district personnel on issues not in the child's IEP, or preparatory activities that district staff engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

Only parents, guardians, or a person acting as a parent or surrogate parent can represent parents at an IEP meeting.

A parent or guardian of a child with disabilities must be invited to attend all IEP meetings. If the child is a ward of the state, or parents or guardians cannot be located, the district must appoint a surrogate parent (see Part VII, Section 6). If the child is a ward of the state, the child's parents must be given the opportunity to participate in the IEP meetings unless the parents' right to oversee the education of their child has been severed by the courts. Parents of a child who is a ward of the state may not sign as guardian. In this case, the district-appointed surrogate parent must be invited to the IEP meetings. If a parent's rights have not been severed, a natural parent may be trained and serve as the surrogate parent.

Note: A parent's signature on an IEP only indicates participation. Parental signature is not to be construed as an indication of agreement or disagreement with the IEP. The district must implement the IEP regardless of the parents' signature.

Documenting Attempts to Arrange IEP Meetings with Parents

An IEP meeting can be conducted without a parent in attendance if the district is unable to convince the parents that they should attend. Districts must make a concerted effort to ensure parent participation; one letter or one telephone call is not sufficient.

The district must keep a record of its attempts to arrange a mutually agreed upon date, time, and place including:

1. Detailed records of telephone calls made or attempted, and the results of those calls (see Appendix D for sample Telephone and Written Invitations to IEP meetings).
2. Copies of correspondence sent to the parents and any responses received.
3. Detailed records of visits made to the parent's home or place of employment, and the results of those visits.

Parents must be given a copy of the completed IEP regardless of whether they attend the IEP meeting. The district must document that this was done. The copy of the IEP shall be provided at no cost to the parent.

Prior Written Notice in Relation to IEP Meetings

The invitation to an IEP meeting should not be confused with the requirements for providing prior written notice to parents (see Part VII, Section 3). The following procedures apply to the provision of prior written notice in relation to IEP meetings:

1. If parents are invited but do not attend an IEP meeting and changes are made in the IEP, provide written notice to the parents using the Prior Written Notice letter (see Appendix E) and attach a copy of the revised copy of the IEP.
2. If parents attend the IEP meeting and agree with the district on the IEP, prior written notice must be provided if there has been any change in placement or the provision of a free appropriate public education (i.e., the IEP).
3. If parents attend the IEP meeting but disagree with the district on the IEP, prior written notice must be provided to the parents at the meeting using the Prior Written Notice Letter (see Appendix E).

SECTION 6. WHEN AN IEP MUST BE IN EFFECT

An IEP must be in effect before special education and related services are provided to a child. It is not permissible to first place a child in special education and then develop the IEP. The IEP must be developed within 30 days of the eligibility determination. It must be in effect at the beginning of each school year.

The district must ensure that each regular education teacher, special education teacher, related service provider, and other service provider (i.e.. bus driver, playground supervisor) responsible for its implementation:

1. Has access to the IEP.
2. Is informed of his/her specific responsibilities relating to the implementation of the IEP.
3. Has information regarding the specific accommodations, modifications, and supports that must be provided.
4. Understands the confidentiality rights of children with disabilities and their families in terms of disclosing personally identifiable information.

Interim Placement

The development of an interim IEP (or the use of an interim placement) may be appropriate for an individual child with a disability if there is some question about the child's special education or related service needs. However, districts should not adopt an across-the-board policy of developing interim IEPs for all children with disabilities.

Interim placement is allowed under the following conditions:

1. An IEP must be developed.
2. The parents must agree in writing (i.e., their signature) to the interim placement.
3. The interim placement must not continue beyond 30 calendar days.
4. An IEP Team meeting must be conducted at the end of the interim period.
5. All applicable IEP content requirements must be met with no lapse in services between the interim and final placements.

Transfers into a District

When a child who has a current IEP moves into a new district, the district must decide whether to accept the evaluation report and eligibility established by the sending district and the existing IEP. If the district decides to reject the eligibility and the existing IEP, an IEP Team meeting must be held to initiate a reevaluation.

If the district decides to develop a new IEP, the district may provide interim services and an interim placement if agreed to by the parties. If agreement cannot be reached, the district must implement the current IEP to the extent possible until a new one is developed. The new district does not need to conduct a new IEP meeting if the current IEP is available, the parents agree with it, and the district finds it appropriate. If the current IEP is not available or either party believes it is not appropriate, the new district must develop a new IEP within a short time, normally one week.

SECTION 7. GUIDELINES ON IEP PREPARATION

It is not permissible to present a completed IEP to parents for their approval. It is appropriate for staff to come prepared with evaluation findings, functional behavioral assessment results, statements of the child's present levels of educational performance, and recommendations regarding measurable annual goals and short-term objectives or benchmarks. District staff must inform the parents at the outset of the meeting that any proposals made are only recommendations for review and discussion. Parents and the other IEP Team members must be given the opportunity to actively participate in all decisions affecting the education of the child with a disability.

If a district maintains notes of IEP meetings it is required that participants be informed that the notes do not bind the district to any action, unless aspects of the notes are included in the IEP.

SECTION 8. CONTENT OF THE IEP

Appendix D includes a sample IEP form. Districts may develop their own IEP forms but these must address all required components listed below. If districts develop their own form, it must be submitted to the department for review and approval.

The IEP must address all of a child's identified special education and related services needs based on need, not the disability, and include:

1. **A statement of the child's present levels of educational performance.**

   The IEP team reviews the existing evaluation data on the child, including information and concerns shared by the parents. The team also reviews any other current pertinent data related to the child's needs and unique characteristics, such as information provided by parents; progress toward desired post-school outcomes; current classroom-based assessments; the most recent reevaluation; input from the child's special and regular education teachers and service providers, and, as appropriate, the results of the child's performance on state-and district-wide assessments.

If an independent evaluation has been conducted, the results of that evaluation must also be considered if it meets the district's criteria for such evaluations. These results are summarized to describe the child's present levels of performance and educational needs.

Statements of present levels of educational performance in an area of need include how a child's disability affects his or her involvement and progress in the general education curriculum (i.e., the same curriculum as for children without disabilities). For preschool children, present levels of performance describe how the disability affects the child's participation in age-appropriate activities. The IEP for every child with a disability, even those in separate classrooms/schools must address how the child will be involved and progress in the general curriculum. The statement should accurately describe the effect of the child's disability on the child's performance in each area of education that is affected.

The following guidelines should be followed in developing the statement of present levels of educational performance:

a. Statements should be written in easy to understand language that is free of educational jargon.

b. Information must be current.

c. Statements should reflect the results of the assessment data. Statements that relate scores to the child's level of functioning should accompany test scores. Raw test scores are not sufficient.

d. There should be a direct relation between the present levels of educational performance and the other components of the IEP. Thus, if the statement describes a problem with a child's reading, this problem should be addressed under both the goals and objectives and the specific special education and related services to be provided.

An example of a statement of a child's present levels of educational performance is provided below (from Kukic, S., & Schrag, J. (1998). IEP Connections. Longmont, CO: Sopris West.):

"Mary solves three-place addition problems with 60% accuracy. She reads orally with 50% accuracy and comprehends approximately 50% of the material read. She interacts well with peers within small, structured groups in the classroom. She initiates cooperative play during seven out of ten opportunities. At recess, she is aggressive (i.e., she hits, pushes, pinches, and yells), cries easily, and wants to be accepted. Her aggression is displayed during one in four recesses. Following aggressive action, she cries easily if she is confronted. Mary's strength is that when classroom and playground expectations are clearly and simply explained to her, she is better able to manage her behavior."

2. A statement of secondary transition service needs and needed transition services for children.

It is crucial for IEP Teams to begin planning for a child's post-school outcomes while the child is still in school. A statement of the transition service needs of the child under the applicable components of the IEP that focus on the child's course of study (such as participation in drivers' education courses or a vocational education program), must be included in the IEP by the child's 14th birthday, or earlier if determined appropriate by the IEP Team. A statement of needed transition services must be part of the IEP by the child's 16th birthday, or earlier if determined appropriate by the IEP Team.

Transition planning and transition services are based on the individual child's needs, taking into account the child's preferences and interests, and must include (a) instruction; (b) related services; (c) community experiences; (d) the development of employment and other post-school adult living objectives; and, when appropriate, (e) acquisition of daily living skills, and (f) functional vocational evaluation.

The transition statement must also include, when appropriate, a statement of the interagency responsibilities or linkages before the child leaves the school setting. If a participating agency, other than the educational agency, fails to provide agreed upon services contained in the IEP, the district must reconvene the IEP Team to identify alternative strategies to be implemented to meet the transition objectives outlined in the child's IEP (Secondary transition is further discussed in Section 14 of this Part).

3. Transfer of Rights to Student.

The IEP must include a statement that the student has been informed of his or her rights under IDEA 97 that will transfer to the child on reaching the age of majority (age 18), beginning at least one year before the child reaches the age of majority (See sample Transfer of Rights letter in Appendix D).

4. Special considerations

As appropriate, the IEP Team shall consider the following special factors and include statements addressing these needs in the child's IEP:

a. If the child's behavior impedes his or her learning or that of others, the team shall consider, when appropriate, strategies such as positive behavioral interventions and supports to address that behavior.

b. If the child has limited English proficiency, the IEP Team shall consider the language needs of the child.

c. If the child is blind or visually impaired, the IEP Team shall provide for instruction in Braille and the use of Braille unless determined not appropriate for the child. This determination can only be made after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille.)

d. If the child is deaf or has a hearing impairment, the IEP Team shall consider the language and communication needs of the child, opportunities for direct communication with peers and professional personnel in the child's language and communication mode, the child's academic level, and his or her full range of needs including opportunities for direct instruction in the child's language and communication mode.

e. If the IEP Team determines that assistive technology devices (i.e., electronic communication device, phonic ear) and/or services (i.e., assistive technology evaluation, training, technical assistance) are necessary in order for the child to access and benefit from the educational program, such technology must be designated in the IEP (See Appendix H for Common Areas of Assistive Technology Application)

5. State or district-wide achievement testing.

The IEP must include a statement of the accommodations that are necessary for the child to participate in state- and district-wide assessments. It is expected that all children, including children with disabilities, will participate in the statewide norm-referenced and criterion-referenced assessments. The department has developed an Alternate Assessment for children with significant disabilities who are involved in a functional basic skills education program, rather than the standard curriculum. This is discussed in more detail in Section 16 of this Part. IEP Teams should also refer to the *Participation Guidelines for Alaska Students in State Assessments* that is provided to districts by the department and is on the special education webpage.

For district-wide assessments, if the IEP Team determines that the child will not participate in the regular assessments, the IEP must state why that assessment is not appropriate for the child and include a statement of how the child will be assessed.

6. Progress Toward Goals.

The IEP must include a statement of how parents will be informed of their child's progress toward the annual goals and the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the IEP time period. Parents of children with disabilities must be informed of progress at least as often as parents of children without disabilities.

The reports need not be lengthy. The IEP forms in Appendix D have been designed to allow the goal/objective page (page 4) to be used as progress reports.

7. Measurable annual goals and short-term objectives or benchmarks.

The goals and objectives (or benchmarks) should focus on the learning and behavioral problems resulting from the child's disability and be aligned with state and district performance standards. They should address the needs that are summarized in the statement of the child's present levels of educational performance. There should be at least one goal, with corresponding objectives or benchmarks, for each area of need.

The goals and objectives or benchmarks provide a mechanism for determining whether the child is progressing in the special education program and the general curriculum, and whether the placement and services are appropriate to meet the child's identified educational needs.

Measurable annual goals: A goal is a measurable statement that describes what a child is reasonably expected to accomplish from the specialized educational program during the school year. **When formulating goal statements, usethe following guidelines:**

a. Goals should be general statements that focus on deficit skill areas.

b. Goals should be designed to address the needs identified in the statement of the child's present levels of educational performance.

c. Goals should be challenging and describe what a child can reasonably be expected to accomplish during the school year.

d. All members of the IEP Team should easily understand the language of the goals.

e. Goals should be written to increase the child's successful participation in the general education curriculum and allow for inclusion in the general education environment to the maximum extent appropriate, or for preschool children, to participate in appropriate activities with non-disabled peers.

f. Goals should be stated so they are meaningful. Helpful questions to ask include

- Is accomplishment of the goal necessary for success in current and future environments?
- Does the family believe the accomplishment of the goal is important?
- Does the goal specify a level of performance and expectation that is reasonable?

g. Goals should be measurable; they must reflect behavior that can be measured.

h. Goals should be written so they can be monitored frequently and repeatedly.

i. Goals should be written to enhance decision-making. Monitoring the goal provides data that can be used to determine the effectiveness of the child's educational program.

j. Goals should reflect transition needs.

k. Goals should address Alaska's performance standards.

Examples of possible measurable annual goals include the following (from the Autism Society of America):

Frank will increase use of communication skills, via a communication board, in social interactions with his peers.

Susan will increase skills in reading comprehension.

Rick will improve his job skills (primarily, data entry on a PC) to increase his chances for competitive employment after high school.

Michelle will decrease her hand flapping.

Short-term objectives or benchmarks: The short-term objectives or benchmarks derive from the annual goals but represent smaller, more manageable learning tasks a child must master on the way to achieving the goals. The purpose of short-term objectives and benchmarks is to enable families, children, and teachers to monitor progress during the year and, if appropriate, revise the IEP consistent with the child's instructional needs. They describe how far the child is expected to progress toward the annual goal and by when. In most cases, at least two objectives or benchmarks should be written for each annual goal. Progress on each short-term objective or benchmark should be documented.

Short-term objectives generally break the skills described in the annual goal into discrete components. *Benchmarks* describe the amount of progress the child is expected to make in a specified segment of the year. Benchmarks establish expected performance levels that allow for regular checks of progress that coincide with the reporting periods for informing parents of their child's progress toward achieving the annual goals.

Objectives and benchmarks must be measurable; they must use language that will allow a **count** of what a child does (i.e., The child will write, The child will read). Do not use phrases such as: "The child will understand," or "The child will appreciate").

Short-term objectives and benchmarks should include the following three components to ensure that they can be evaluated:

a. **Objective Criteria** that enable progress to be monitored and allow for determination of the point at which the objective has been accomplished, such as:
   - 95% accurate
   - fewer than 5 times per day
   - 50 correct responses in one minute
   - 4 out of 5 trials correct on three consecutive days

b. **Evaluation Procedures** to be used, such as:
   - teacher observation
   - written performance
   - oral performance
   - criterion referenced tests
   - parent report
   - observation
   - time sample
   - teacher-made tests

c. **Schedules** to determine how often the objective will be measured, such as:
   - one-two weeks

- twice a week
- once a month
- six weeks
- nine weeks
- each semester
- annually

Some examples of possible short-term objectives are listed below. Each objective has numbers corresponding to the three components: (1) objective criteria, (2) evaluation procedure and (3) schedules.

> To read a 300 word article in the newspaper (1) in two minutes with 95% accuracy (2) as observed and recorded by the resource teacher (3) once a week.
>
> To create (1) fewer than 5 disruptions per day for three consecutive days (2) as observed and recorded by the teacher's paraeducator (3) each day.
>
> To achieve (1) 95% accuracy (2) on a teacher made spelling test of seventh grade words as checked by the resource teacher (3) on a weekly basis.
>
> To compose three-paragraph themes comprised of fifteen or more sentences using a word processing program with a spell checker (1) with 80% or better accuracy in the use of spelling, punctuation and grammar over 5 consecutive trials (2) as recorded by the resource teacher (3) weekly.

Goals and short-term objectives/benchmarks must be written so they pass the following two tests:

a. "The Stranger Test:" Is the goal/objective/benchmark written so that someone who did not write it could use it to develop appropriate instructional plans and assess child progress?

b. "The So What Test:" Is the skill indicated in this goal/objective/ benchmark really an important skill for the child to learn?

Note: The IEP Team is not required to create annual IEP goals for general curriculum areas that the child's disability does not significantly affect. Therefore, if a child requires only modifications or accommodations in order to progress, no IEP goal is required but the needed modifications and/or accommodations must be listed in the IEP.

8. A statement of program modifications and support for school personnel

The IEP must include program modifications/accommodations for the child and support that will be provided to school personnel to allow the child to:

- Advance appropriately toward attaining the annual goals;

- Be involved and progress in the general education curriculum and participate in extracurricular and other nonacademic activities; and
- Be education and participate with other children with disabilities and non- disabled children.

9. Need for extended school year (ESY).

Consideration of the need for an extended school year (ESY) must be documented. If it is determined that a child requires ESY, it must be included in the IEP. The information used to support the determination should be referenced (ESY is further discussed in Section 13 of this Part). As a reminder, ESY is not the same as summer school.

10. A statement of the specific special education and related services to be provided to the child.

The statement of services contained in the IEP must include the following information:

a. All the specific special education and related services needed by the child in order to receive an appropriate education (i.e., itinerant program supervision, speech/language pathology services, assistive technology services, transition services, counseling services, physical therapy services).

Note: A particular teaching methodology that is an integral part of what is "individualized" about a child's education (i.e. instruction that is the basis for the goals and objectives and other elements of an IEP) will need to be put in the IEP. The IEP Team decides whether a particular teaching methodology should be put in an IEP.

b. Supplementary aids and services to be provided to the child, or on behalf of the child.

c. The total amount of service required by the child per week.

The amount of service to be provided must be stated in the IEP so that the level of the agency's commitment of resources will be clear to parents and other IEP Team members. The amount of services may be stated as a range (i.e. 45- 60 minutes) only if the IEP Team determines that a range is necessary to meet the unique needs of the child (i.e., services needed only when a seizure occurs). A range may not be used because of personnel shortages or uncertainty with respect to the availability of staff.

As long as there is no change in the overall amount per week, some adjustments in scheduling the services should be possible (based on the professional judgment of the service provider) without holding another IEP meeting.

d. The frequency of on-site program review by each itinerant service provider.

For example, if a child receives daily speech services from a paraeducator or from a teacher who does not hold an endorsement in speech/language pathology, monthly on-site supervision of the child's speech services by a certified speech language pathologist, is required. Both the amount of daily service and the amount of program supervision by the certified speech pathologist must be listed on the IEP. Examples of complying with the above requirements are listed below:

- Reading services, 60 minutes per day, five days per week.
- Physical therapy services, 60 minutes per week.
- Itinerant speech therapy supervision provided by a speech language pathologist, 120 minutes per month.
- Speech - Language Therapy - Assistive Technology (electronic communication device)- 30 minutes per week.

e. The amount and frequency of program supervision by certified special education staff.

When a staff person who is not certified in special education provides special education or related services (i.e., a paraeducator or regular education teacher), the IEP must clearly document the amount and frequency of program supervision by the certified special education staff. The special education teacher or related service provider is responsible for designing the program and services provided.

f. The amount and frequency of counseling services.

Counseling services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel must be clearly documented in the IEP. If the counseling services are determined necessary by the IEP team, but are provided by an agency other than the district, those services must also be listed on the IEP.

Note: Individually prescribed devices such as glasses or hearing aids are generally considered to be personal items and are not a service to be provided by the district, and thus would not be listed as a service need on the IEP.

11. Projected starting date and anticipated frequency, duration, and location of services.

The projected starting date and anticipated frequency, duration, and location of services (and modifications) must be indicated for each special education and related service. The date must include the month, day, and year, and extend no more than a year from the date of the meeting. The location refers to the type of environment that is the appropriate place for the provision of the service (e.g., the regular classroom, resource room). The total time that a child with a disability spends receiving regular education, special education, and related services should equal the total amount of time the child spends in school.

12. The extent to which the child will NOT be able to participate in regular education programs (LRE Explanation).

The IEP must include a statement of the extent, if any, to which the child will not participate in the regular classroom, general education curriculum, extracurricular, or other nonacademic activities. The same program options and non-academic services that are available to children without disabilities must be available to children with disabilities. Program options typically include: art, music, industrial arts, clubs, home economics, sports, field trips, and vocational education. Non-academic services and extra-curricular activities typically include athletics, health services, recreational activities and special interest groups or clubs.

Note: If modifications (supplementary aids and services) to the regular education program are necessary to ensure the child's participation in that program, those modifications must be described in the child's IEP.

13. Justification for placement.

The IEP must include an explanation of the extent, if any, to which the child will not participate with children without disabilities in the general curriculum and regular classroom, as well as in extracurricular and other nonacademic activities. A justification for placement must be provided on the IEP (Placement is discussed in Part V and Justification For Placement specifically in Part V, Section 5).

SECTION 9. INDIVIDUALIZED FAMILY SERVICE PLAN

In the case of a child with a disability who is age three through five, an individualized family service plan (IFSP) may serve as the IEP for the child if using that plan as the IEP is agreed to by the district and at least one of the child's parents. If use of an IFSP is being considered, the district must provide the child's parents a detailed explanation of the differences between an IFSP and an IEP. If either parent chooses an IFSP, the district must obtain written, informed consent of that parent.

The IFSP shall be in writing and contain

1. A statement of the infant's or toddler's present levels of physical development, cognitive development, communication development, social or emotional development, and adaptive development, based on objective criteria;
2. With the agreement of the family, a statement of the family's resources, priorities, and concerns relating to enhancing the development of the family's infant or toddler with a disability;
3. A statement of the major outcomes expected to be achieved for the infant or toddler and the family, and the criteria, procedures, and timelines used to determine the degree to which progress toward achieving the outcomes is being made and whether modifications or revisions of the outcomes or services are necessary;

4. A statement of specific early intervention services necessary to meet the unique needs of the infant or toddler and the family, including the frequency, intensity, and method of delivering services;
5. A statement of the natural environments in which early intervention services shall appropriately be provided, including a justification of the extent, if any, to which the services will not be provided in a natural environment;
6. The projected dates for initiation of services and the anticipated duration of the services;
7. The identification of the service coordinator from the profession most immediately relevant to the infant's or toddler's or family's needs (or who is otherwise qualified to carry out all applicable responsibilities) who will be responsible for the implementation of the plan and coordination with other agencies and persons; and
8. The steps to be taken to support the transition of the toddler with a disability to preschool or other appropriate services.

The individualized family service plan must be evaluated at least annually and the family must be provided a review of the plan at six-month intervals (or more often where appropriate based on the child's and the family needs).

SECTION 10. PROPER FUNCTIONING OF HEARING AIDS

The district must ensure that hearing aids worn by children in school who are deaf or experience a hearing impairment are functioning properly.

SECTION 11. PHYSICAL EDUCATION & VOCATIONAL EDUCATION ON THE IEP

If the child can participate fully in the regular physical education (PE) or vocational education program, it is not necessary to describe or refer to PE or vocational education on the IEP. When modifications are made to accommodate the child, they must be described on the IEP.

If the child needs specially designed instruction in PE or vocational education, the program must be addressed in the IEP in terms of present levels of educational performance, goals and objectives/benchmarks, and services to be provided.

If the child is educated in a separate facility, the PE or vocational education program must be described or referred to in the IEP. If the child is in a separate facility that has a standard vocational education or PE program in which the child can participate without any modifications, then the IEP need only note such participation in the comment section of the IEP.

SECTION 12. DISCIPLINE PROCEDURES

Children with Disabilities are Entitled to Additional Rights

Children with disabilities who are subject to disciplinary actions by a school district are entitled to the same due process rights afforded children without disabilities. However, IDEA 97 provides additional rights and protections to children with disabilities upon their receiving *disciplinary removal of more than 10 school days in a school year.*

General Discipline Rules

The general rules pertaining to the discipline of children in special education are as follows:

1. All children, with or without disabilities, are entitled to certain rights before they can be excluded from school for any period of time.
2. Short-term removals of up to 10 school days in a school year may be utilized for children in special education to the extent they would be applied to children without disabilities.
3. Exclusion of a child with a disability for more than 10 school days in a school year cannot be made without following the procedures of IDEA 97.
4. A change of placement occurs if a child is removed for more than ten consecutive school days or is subjected to a series of removals that constitute a pattern because they cumulate to more than ten school days in a school year. The determination of whether a pattern exists may be based on factors such as the length of each removal, the total amount of time the child is removed, and the proximity of the removals to one another.
5. Schools do not need to provide services during the first ten school days in a school year that a child is removed. Any removal or series of removals of more than 10 school days in a school year requires the district to provide services by day 11 to the extent determined necessary to enable the child to appropriately progress in the general education curriculum and appropriately advance toward achieving the goals of his or her IEP.
6. Under certain conditions (i.e., possession of weapons or illegal drugs), the district may use interim alternative educational placements (IAES) for not more than 45 calendar days for children with disabilities, if children without disabilities would be placed in alternative educational placements or would be excluded from school for the same disciplinary action.
7. The district may seek, through an expedited hearing or the court system, to have a hearing officer order the removal of a child for up to 45 calendar days if keeping the child in his or her current placement is substantially likely to result in injury to the child or others.
8. If the district contemplates any disciplinary action constituting a change of placement then, not later than the date on which the decision to take the action is made, the parents must receive prior written notice of that decision and of their procedural safeguards (parent rights) under IDEA 97.

9. Within 10 *business* days after the district decides to take disciplinary action involving the placement of a child with a disability in an IAES, the IEP Team must conduct a functional behavioral assessment (FBA) and create a behavioral intervention plan (BIP) if one has not already been created; if a plan has already been created, the IEP Team must review it and modify it as necessary.

10. Either before or within 10 *school days* after the district decides to take any disciplinary action constituting a change of placement, the IEP Team and other qualified personnel will conduct a manifestation determination review.

11. Even when a child with a disability is excluded from school for behavior that is not a manifestation of his or her disability, special education services must continue to be provided during an expulsion or suspension of more than 10 consecutive days.

12. If a child whose behavior is subject to disciplinary action is not receiving special education, but the district suspects or has knowledge that the child had a disability prior to the behavior occurring, then this child would also be protected under IDEA 97. If a request for an evaluation of the child is received during the disciplinary time period, the evaluation must be completed immediately to determine if the child is eligible for special education and therefore protected by IDEA 97.

13. Removing a child from his or her assigned classroom for inappropriate behavior may constitute a removal, unless it is for short-term crisis management. In-school suspensions are not counted if the child:

    - is afforded the opportunity to continue to appropriately progress in the general curriculum;
    - continues to receive the services designated in the IEP; and,
    - continues to participate with children without disabilities to the same extent as in their current placement.

    However, portions of a school day for which a child is removed from his or her current setting do count toward the 10 cumulative days.

14. The removal of a child with a disability from transportation services that causes the child to not attend school also counts toward the cumulative days of removal, unless transportation services were not contained in the IEP or the district provides an alternative means of transporting the child to school.

Specific Discipline Procedures

Specific procedures regarding disciplinary measures are described below for the following scenarios:

1. *Removal for 10 or Fewer Cumulative School Days in a School Year*

   A child with a disability may be removed from his or her current placement for 10 consecutive days or up to 10 cumulative school days in a school year for any violation of school rules to the same extent that removal would be applied to children without disabilities. The district does not need to provide services during these first 10 days of suspension in a school year if services are not provided to children without disabilities. Children should not be suspended for behavior related to their disability that is addressed in their IEPs.

School personnel may order additional removals of not more than 10 consecutive days in the same school year for separate incidents of misconduct as long as the removals do not constitute a change of placement as defined in item 4 of the general discipline rules listed above.

2. *Removal for More than 10 Cumulative School Days and No Pattern*

   Within 10 *business* days after the district first removes a child for more than 10 school days in a school year, the IEP Team must conduct an FBA and create a BIP if this was not previously done. If the child already has a BIP, the IEP Team must review it and modify it as necessary. Services must be provided on the 11th cumulative day of removal as determined by the administrator in consultation with the special education teacher. These services must be provided to the extent necessary to enable the child to appropriately progress in the general education curriculum and appropriately advance toward achieving the goals of his or her IEP. This process is the same for subsequent removals of 10 consecutive school days or fewer, and no pattern is established.

3. *Removals for More Than 10 Consecutive School Days or Pattern*

   Removals constituting a change of placement require all of the following procedures:

   a. Parent notification

      The child's parents must be notified of the disciplinary action to be taken and informed of their procedural safeguards (parent rights) under IDEA 97, no later than the date on which the decision to take the action was made.

   b. Review or development of behavioral intervention plans (BIPs)

      Within 10 business days after ordering any removal constituting a change of placement, the IEP Team will meet to consider the problem behavior that precipitated the disciplinary change of placement and do the following:

      - Review and modify the child's BIP as needed to address the problem behavior; or
      - Conduct an FBA and create a BIP if one has not been created. The components of the BIP should be implemented as soon as is practical.

      (See Appendix J for further information on FBAs and BIPs.)

      If one or more of the team members believe that modifications are needed, the team shall meet to modify the plan and its implementation, to the extent the team determines necessary.

   c. Manifestation Determination

      A manifestation determination review must be conducted by the IEP Team and other qualified personnel as soon as possible, but not later than 10 school days after the earlier of the following dates:

- The date on which a decision was made to recommend a change in placement; or
- The date a disciplinary placement change actually occurred.

A manifestation determination reviews the relationship between the child's disability and the child's behavior that is subject to the disciplinary action. The IEP Team may determine that a child's behavior was not a manifestation of the child's disability only if the team:

1. First considers, in terms of the behavior subject to disciplinary action, all relevant information, including:
    - evaluation and diagnostic results, and relevant information supplied by the parent or guardian of the child, and the child as appropriate;
    - observations of the child; and
    - the child's IEP and placement.
2. **AND** then determines that:
    - in relation to the behavior subject to disciplinary action, the child's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the child's IEP and placement; and
    - the child's disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to disciplinary action; and
    - the child's disability did not impair the ability of the child to control the behavior subject to disciplinary action.

If it is determined, after conducting a manifestation determination, that the child's behavior was not a manifestation of the child's disability, the same disciplinary procedures applicable to a child without a disability, including long-term suspension or expulsion, may be applied to the child with disabilities. However, services must be provided to the extent necessary to enable the child with a disability to appropriately progress in the general education curriculum and advance towards achieving his or her IEP goals. The nature and extent of these services must be determined by the IEP Team. If it is determined that the child's behavior was a manifestation of his or her disability, then the child may not be removed for more than ten consecutive days. However, the IEP Team, with parental consent, may always change the child's placement.

4. 45 Day Interim Alternative Educational Setting (IAES)

The superintendent, or a designee, may order a change in the child's placement to an appropriate IAES, for no more than 45 calendar days (to the extent that such measures are applied to non disabled children), if:

a. The child carries a weapon to school or to a school function; or

b. The child possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school or at a school function.

(For definitions of controlled substance, illegal drugs, or weapons, see Appendix J).

An appropriate IAES must meet the following three criteria:

a. Be determined by the IEP Team.

b. Be selected to enable the child to continue to participate in the general education curriculum – although in another setting – and to continue to receive services and modifications included in the current IEP.

c. Include services and modifications designed to address the behavior so that it does not recur.

All change of placement procedures including parent notice, BIP review or development, and manifestation determination must also be completed.

5. 45 Day Interim IAES placements by Hearing Officers

If the district considers a child to be a danger to self or others, it may request an expedited administrative hearing to ask a hearing officer to place the child in a 45-day IAES (See below for more details regarding the expedited hearing). The district may make such a request:

a. As an initial disciplinary action;

b. To follow a 10-day disciplinary placement change by school personnel; or

c. To follow a 45-day disciplinary change by school personnel for weapons, drugs, or controlled substance violations.

A hearing officer may order a change in the placement of a child with a disability to an appropriate IAES for not more than 45 calendar days if the hearing officer:

a. Determines the district has demonstrated substantial evidence (i.e., beyond a preponderance of the evidence) that maintaining the current placement for the child is substantially likely to result in injury to the child or others;

b. Considers the appropriateness of the current placement;

c. Considers whether the district has made reasonable efforts to minimize the risk of harm in the current placement, including the use of supplementary aids and services; and

d. Determines that the IAES was developed in consultation with the special education teacher and meets the above-mentioned criteria for an IAES.

All change of placement procedures including parent notice, BIP review or development, and manifestation determination must also be completed.

Parent Request for a Hearing

If the child's parent disagrees with a determination that the child's behavior was not a manifestation of the child's disability, or if the parent disagrees with any decision of the IEP Team regarding placement, the parent may request a due process hearing (see Part VII for a full explanation of due process hearing rights and procedures).

If the hearing officer finds for the parent, the child cannot be expelled or suspended for more than 10 school days. If the hearing officer finds for the district, the district may utilize the same disciplinary procedures, including expulsion, as it uses for any other child **except**:

a. Special education services cannot cease entirely.

b. An IEP Team must convene after the expulsion to develop an IEP that specifies what special education and related services will be provided during the period of suspension or expulsion. These services must enable the child to appropriately progress in the general education curriculum and appropriately advance toward achieving the goals of his or her IEP.

Placement During a Hearing

If the parent requests a due process hearing to challenge an IAES or the manifestation determination, the child must "stay put" during the pendency of the hearing in relation to disciplinary proceedings.

a. "Stay put " for simple change of placements is the placement prior to the removal.

b. For a child placed in an IAES for a weapons/drug violation, "stay put" is the IAES. The child will remain in the IAES until the time line for that placement expires.

c. Upon expiration of the IAES timeline, the child will be placed in the setting he or she was in prior to the IAES. However, if school personnel maintain that it is dangerous for the child to return to that placement, the district can request an expedited hearing.

Expedited Hearing

If school personnel believe that it is dangerous for a child with a disability to be in the current placement (i.e., placement prior to removal to the interim alternative education setting) during the pendency of the due process proceedings, the district may request an expedited due process hearing. In determining whether the child may be placed in the IAES or in another appropriate placement ordered by the hearing officer, the hearing officer must:

a. Determine that the district has demonstrated by substantial evidence (i.e., beyond a preponderance of the evidence) that maintaining the current placement of the child is substantially likely to result in injury to the child or to others;

b. Consider the appropriateness of the child's current placement;

c. Consider whether the district has made reasonable efforts to minimize the risk of harm in the child's current placement, including the use of supplementary aids and services; and

d. Determine that the IAES that is proposed by school personnel who have consulted with the child's special education teacher, meets all necessary requirements.

The hearing officer's written decision must be mailed to the parties within 45 days of the parent's or district's receipt of the request for the hearing, without exceptions or extensions. The hearing officer's decision is final, except that any party involved in the hearing may appeal the decision to state or district court.

Placement in an interim alterative educational setting, ordered by a hearing officer, may not be longer than 45 days. However, the procedures outlined above may be repeated as necessary.

Children Not Yet Eligible for Special Education and Related Services

A child who has *not* been determined eligible for special education and related services and who has engaged in behavior that violated any rule or code of conduct of the district, may assert any of the protections of IDEA 97 **if** the district had knowledge that the child had a disability before the behavior that precipitated the disciplinary action occurred.

1. *Basis of Knowledge*

The district shall be deemed to have knowledge that an individual is a child with a disability if:

a. The parent of the child has expressed concern, in writing, to district personnel that the child is in need of special education and related services, unless the parent is illiterate or has a disability, which prevents a written statement.

b. The behavior or performance of the child demonstrates the need for special education and related services.

c. The parent of the child has requested an evaluation of the child.

d. The teacher of the child, or other district personnel, have expressed concern about the behavior or performance of the child to the director of special education or to other district personnel, in accord with the district's Child Find or special education referral system.

A district would **not** be deemed to have knowledge if the district:

a. had conducted an evaluation and determined that the child was not a child with a disability.

b. had determined that an evaluation was not necessary and provided appropriate notice to the parents.

2. *No Basis of Knowledge*

If the district does not have knowledge that an individual is a child with a disability prior to taking disciplinary measures against the child, the child may be subjected to the same disciplinary measures applied to children without disabilities who engage in comparable behaviors.

3. *Parent Requests for Evaluations*

   If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation shall be conducted in an expedited manner. Pending the results of the evaluation, the child shall remain in the educational placement determined by district officials. If the child is determined to be a child with a disability, based on information from the evaluation conducted by the district and information provided by the parent, the district shall convene an IEP Team meeting to develop an IEP and conduct a manifestation determination (see Appendix J for further information on completing manifestation determinations).

Transfer of Discipline Records

When the district initiates disciplinary procedures applicable to all children, the special education and disciplinary records of children with disabilities must be transmitted for consideration by the person(s) making the final determination regarding the disciplinary action.

If a child with a disability transfers to another school, each district shall transmit with other student records, including the child's current IEP, all statements of current and previous disciplinary action regarding the child, to the same extent that disciplinary information would be included in and transmitted with the records of a child without a disability. Statements of disciplinary action must include a description of the child's behavior that required the disciplinary action, the action taken, and any other information that is relevant to the safety of the child and other individuals involved with the child.

Referrals and Action by Law Enforcement and Judicial Authorities

Nothing in IDEA 97 shall be construed to prohibit the district from reporting a crime committed by a child with a disability to appropriate authorities. IDEA 97 does not prevent state law enforcement or judicial authorities from exercising their responsibilities with regard to the application of federal and state law, to crimes committed by a child with a disability. If the district reports a crime committed by a child with a disability, it must ensure that, to the extent permitted by the Family Educational Rights and Privacy Act of 1974 (FERPA), copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime. Absent parent consent, FERPA allows disclosure if pursuant to a subpoena or court order, in conjunction with an emergency, or pursuant to a state statute concerning the juvenile justice system.

Suspension and Expulsion Rates

Districts must maintain data on their rates of suspension and expulsions for drug and weapons violations. Such data will be examined by the department to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities compared to the rate for children without disabilities within the district. If such discrepancies are occurring, the district will review and revise its policies, procedures, and practices as needed in relation to the development and implementation of IEPs, the use of FBAs and BIPs, procedural safeguards, and overall compliance with IDEA 97.

SECTION 13. EXTENDED SCHOOL YEAR (ESY) SERVICES

The goal of an ESY program is to assist children with disabilities with the emergence, maintenance, or critical generalization of specific IEP objectives learned the year preceding the ESY. These may include goals related to self-sufficiency, behavior, socialization, communication, and academics. ESY services for children receiving special education provide a different focus from general summer school programs.

Definition

Extended school year services means special education and related services that meet state standards and are provided to a child with a disability:

1. Beyond the normal school year.
2. In accordance with the child's IEP.
3. At no cost to the parents of the child.

Determination of the Need for ESY

Children qualify for ESY services in three general areas: emerging skill, regression/recoupment, or self-sufficiency. ESY services must be provided only if a child's IEP Team determines, on an individual basis, that the services are necessary for the provision of FAPE to the child. Provision of ESY services for one year does not mean that the child needs such services each year. A district may not limit ESY services to particular disability categories or unilaterally limit the type, amount, or duration of those services.

ESY services can be based on one or more of three general areas using the following guidelines. A "yes" response to all questions within one area provides a strong indication that ESY services are warranted.

1. *Emerging Skill*

   When few, if any, gains are made during the regular school year and a critical skill is in the process of emerging, and it is believed that with ESY services the child could make reasonable gains, then ESY services must be considered. Collect documentation to assist the IEP Team in determining the following:

   a. Does progress toward the goals and objectives or benchmarks over an extended period show few, if any, gains?

   b. Is a skill emerging?

   c. Does documentation support that ESY services are needed to avoid irreparable loss of the learning opportunity?

2. *Regression/Recoupment*

   When the child would regress to such an extent and the amount of time required to re-learn skills or behaviors becomes so significant that he or she would be unable to benefit from his or her special education program, then ESY services must be considered. Collect documentation to assist the IEP Team in determining the following:

   a. Do progress reports and data show that the child demonstrates periodic regression, which is related to breaks in instruction throughout the school year?

   b. Do progress reports and data show that the child regresses and cannot re-learn the skills in a reasonable amount of time following the breaks?

   c. Does documentation support that without ESY services the child would regress to such an extent and have such limited recoupment ability that he or she would be unable to benefit from his/her special education program?

3. *Self-sufficiency*

   When the acquisition of critical life skills that aid in the child's ability to function as independently as possible, thereby reducing the child's reliance on caretakers or other institutionalized care, would be threatened by an interruption in services, ESY services must be considered. The IEP Team should collect documentation to assist in determining the following:

   a. Does documentation identify critical life skills that are needed for independence?

   b. Will failure to maintain acquired critical life skills cause major or permanent loss of the skills and create a dependence on caregivers?

   c. Without ESY services, would the child fail to maintain these critical life skills?

ESY IEP Development

ESY services must be clearly delineated in an IEP. The district can meet this requirement by amending the current IEP on an amendment form or developing a complete ESY IEP. Both require an IEP Team meeting and prior written notice to parent(s). The district must ensure that personnel responsible for implementing the ESY IEP have access to the IEP.

Basic Concepts

1. To be considered for ESY services, the child must be identified as having a disability and must currently be receiving special education services and/or related services as defined by an IEP.

2. Determination of the need for ESY must be made only for the immediate period of interruption of the instructional program. The provision of ESY for the immediate period does not imply that ESY will be required for subsequent periods.
3. The critical skills that are the focus of the ESY services are best determined at the time of the development of the annual IEP. However, an IEP meeting may be convened during the year to review the need for ESY. The ESY program developed should reflect the current goals and objectives or benchmarks from the IEP. It must also consider the child's ability to acquire the skill, and be a priority for the child's developmental age.
4. The child's educational program is based on individual needs and not determined by what programs are readily available within the district.
5. The child cannot be required to fail, or to go for an entire year without ESY services, simply to prove that a need exists.
6. The IEP Team shall determine the duration, frequency, and type of services that each child shall receive during the ESY. The goals and objectives or benchmarks should be continuations of all or part of the previous year's IEP, although ESY instruction may be modified in order to enhance emergence, maintenance, and/or generalization.
7. School districts shall not automatically or categorically exclude or include any child or group from consideration for ESY services.
8. ESY services may include special education and/or related services.
9. While ESY services must be provided in the least restrictive environment, districts are not required to create new programs as a means of providing ESY services to children with disabilities in integrated settings if the district does not provide services at that time for its children without disabilities.
10. Districts may provide ESY services in a non-educational setting if the IEP Team determines it is appropriate.
11. ESY services must be provided when ordered by a due process hearing officer. If the district chooses to appeal, the child must be provided with ESY services pending the result of the appeals process.

In Case of a Dispute

It is important for the district to make decisions regarding the provision of ESY for a child early enough in the school year to allow parents time to exhaust administrative remedies if they disagree with the decision of the IEP Team. In the event that the parent disagrees with the decision of the team not to provide ESY services, and the district has not allowed sufficient time for the parents to dispute the decision through due process, the child must be provided with ESY services pending the outcome of the administrative proceedings.

Parents should be given a reasonable amount of time after being notified to respond to a district's decision to not provide ESY services to their child. If a timely response is not received from the parents, then the district is not required to provide the child with ESY services pending the outcome of administrative proceedings. Any time restrictions should be reasonable and be clearly explained or otherwise made known to the parents.

SECTION 14. SECONDARY TRANSITION SERVICES

The intent of the secondary transition services requirements in IDEA 97 is to improve the quality of life of young adults with disabilities. The goal is to enable every student to gain access to the services that are necessary for him or her to achieve their desired post-school outcomes and to have services in place before leaving the school setting.

The IEP process should include the active participation of the student in developing a vision or blueprint to prepare him/her for adult life. Person-Centered Planning (PCP) is one method for facilitating the student's participation (see Appendix G for an example). Using this method, the IEP Team:

1. Thinks about the student's dreams and goals for the future.
2. Learns how the student is currently performing.
3. Identifies what the student will learn and do this year and in the remaining years in school to achieve the dreams and goals for the future.
4. Identifies the supports and services the student needs for success.
5. Stays as close as possible to what the student's peers are learning and doing.

Transition planning, as a focus for a student's IEP, may begin at any point in a 'students educational life prior to age 14.

Definition of Transition Services

Transition services are defined as follows:

1. A coordinated set of activities, designed within an outcome-oriented process, that promote the student's movement from school programs to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;
2. Based on the individual student's needs, taking into account the student's preferences and interests; and

3. Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

Note: Transition services may be special education if they are specially designed instruction, or related services if they are required to assist a student with a disability to benefit from special education.

A Process for Addressing Transition Services through the IEP

The IEP Team must view the transition requirement as an integral component of the IEP, rather than a single or separate event in the IEP process. That is why the revised IEP forms contained in Appendix D require IEP Teams to identify the student's desired post-school outcomes before proceeding to the other IEP components. The transition statements, LRE sections, related services, participation in general education, annual goals, short-term objectives/benchmarks, etc. must all be related and integrated.

A recommended IEP meeting process designed to focus and coordinate the IEP planning, discussion, and decision making toward preparation for the adult world is described below. This process recognizes that each step in the discussion, planning, and decision-making builds upon the previous step and has a direct relation to all other steps. This process ties all the IEP pieces together, and results in a coordinated plan that helps students prepare for adult life(see Appendix G for additional information on secondary transition).

Step 1: Identify the student's post-school desired outcome or vision.
Step 2: Describe the student's present levels of educational performance.
Step 3: Design a statement of transition service needs.
Step 4: Design a statement of needed transition services.
Step 5: Determine annual goals, short-term objectives/benchmarks.

Recommended IEP Team Members and Their Roles

1. *Student*
   a. Actively participates in all discussions and decisions.
   b. Communicates strengths, areas of needed assistance, academic progress, desired post school goals, and personal preferences and interests.

   Many schools have found that with support and instruction, young adults may effectively lead their own IEP Team meetings.
2. *Parent and/or family members*

   a. Provide information on student's strengths, areas where assistance is needed, chores and activities at home, hopes, and concerns.
   b. Is actively engaged and an equal partner in the planning, discussion and decision-making.

3. *Special education teacher*
   a. Provides information on the student's strengths, current IEP goals and progress towards achieving desired post-school outcomes, and strategies for effectively teaching the student.
4. *District Representative*
   a. Assumes responsibility for allocating resources and making decisions to ensure that the IEP is implemented.
5. *Regular education teacher*
   a. Provides insight on courses of study in the general education curriculum that will help the student achieve his or her post-school goals.
   b. Assists in identifying needed modifications and adaptations in the general education setting and on state and district-wide assessments.
   c. Provides positive behavioral strategies or interventions and suggestions for needed school personnel supports.
6. *Agency Representatives*
   a. Provide information about various services provided by the agency, eligibility criteria, and procedures for accessing services.
   b. Assumes responsibility for paying for specific transition services.

Transition Requirements at Age 14

The IEP for each student, beginning at age 14 (or younger if determined appropriate by the IEP Team), must include a statement of the transition service needs. This statement focuses on the student's course of study. The statement of transition service needs is the identification of, and planning for, educational courses (required, elective, modified or specially designed courses as well as other educational experiences in the school or the community) that the student will be taking in each grade after turning 14 years old. The concept is to identify not only the required courses that lead toward graduation or completion of a secondary program, but also to think about, plan for, and ensure that all courses and educational experiences will help the student achieve his or her desired post-school goals (O'Leary, 1998). This statement must be updated yearly.

Transition Requirements at Age 16

The IEP for each student, beginning at age 16 (or younger if determined appropriate by the IEP Team), must include a statement of needed transition services. The IEP Team must consider, at a minimum, the following areas: instruction, related services, community experiences, employment, and post-school adult living objectives. If it is determined appropriate, then the statement must also address daily living skills and the need for a functional vocational evaluation. While the IEP Team may determine that a student does not require services in all transition planning areas, this decision should be made based on the individual needs of the student after carefully considering each planning area. A brief description of each planning area follows:

1. Instruction – use of formal techniques to impart knowledge. Typically provided in schools, but could be provided by other entities in other locations.
2. Related Services – transportation and such developmental, corrective, and other supportive services as are required to assist a student with a disability to benefit from special education.
3. Community Experiences – services provided outside of the school building, in community settings or other agencies.
4. Employment/Other Post-School Adult Living Objectives – services that lead to a job or career, and important adult activities. Services could be provided by schools or other agencies.
5. Daily Living Skills – activities adults do every day. Services could be provided by schools or other agencies.
6. Functional Vocational Evaluation – assessment that provides information about job or career interest, aptitudes and skills. Assessments could be provided by school or other agencies.

(Adapted from: Individuals with Disabilities Education Act: Transition

Requirements, A Guide for States, Districts, Schools and Families, 1996)

Assistive Technology

The provision of assistive technology devices and services may play a part in the transition of students from school to adult environments. Assistive technology services may include training and technical assistance for professionals, employers or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.

The IEP Team should consider the existing technology needs of the student and any future technology needs in the adult environment. Transition planning should include strategies for acquiring new assistive technology devices to replace needed technology that is the property of the school district.

Agency Responsibilities

The transition planning process should help the IEP Team identify the interagency responsibilities and/or linkages needed to assist the student in transitioning to adult living and working environments. Adult service providers should be involved actively in the planning process, and the IEP should show evidence of anticipating the future services that the student will need.

Agencies working as part of the IEP Team determine who bears the cost of necessary transition services. The IEP transition statement should include the interagency linkages necessary to communicate the shared responsibility for transition services between the district and all appropriate agencies and/or providers.

The school district does not have the sole financial responsibility and is not to be held liable for failure of another agency to implement transition services outlined in the IEP that are the designated responsibility of another agency. However, if a public agency fails to provide agreed upon transition services, the district is responsible for reconvening a meeting of all participants on the IEP Team to identify alternative strategies to be implemented to meet the transition objectives that were included in the student's IEP.

Alternative strategies might include identifying another funding source, involving another agency, or identifying other district-wide or community resources that can be used to meet the student's identified needs. If an agency fails to provide or pay for special education or related services, including transition services, the district must, without delay, provide or pay for the service and may then claim reimbursement.

Interagency Cooperative Agreements

Each district must develop and implement written referral procedures for students who require transition services from other agency service providers. These procedures include:

1. Disseminating information about agency services and eligibility criteria to appropriate staff, students with disabilities and their parent/guardian;
2. Providing agencies with lists of students to be screened for eligibility for agency services in accordance with confidentiality policies; and
3. Providing agency service providers with educational histories, evaluations, and current IEPs on students referred for services in accordance with confidentiality policies.

Each district is encouraged to develop interagency agreements and annual implementation plans that detail specific activities to be undertaken by the district and other agency service providers in order to refine and improve the transition process. EED has developed a statewide cooperative agreement with the Department of Labor and Workforce Development, Division of Vocational Rehabilitation (DVR) that districts are encouraged to base local agreements upon with their local DVR provider.

Confidentiality

Confidentiality is an important factor to consider as the IEP Team expands to meet the individual needs of students. The invitation to the IEP meeting is one way to provide all participants with notification of who will be included on the planning team.

If information contained in the records of a student with a disability is to be released to an agency other than another educational agency, the school district must ensure that written consent is provided by the parent and/or student prior to the release of any confidential information (see Appendix E for sample Authorization for Release of Confidential Information form).

Program Completion

High school graduation is considered a change of placement for a child with a disability. The district's responsibility for providing special education and related services ends upon the granting of a regular high school diploma or when the student is no longer eligible for services due to age (see Part IV). A properly prepared transition plan should indicate the proposed date for termination of special education services. An IEP meeting should be held at an appropriate time before the student graduates or special education services are terminated. Parents must be provided with written notice, including their due process rights, and have access to due process hearing procedures.

SECTION 15. ASSISTIVE TECHNOLOGY DEVICES & ASSISTIVE TECHNOLOGY SERVICES

An assistive technology device is any item, piece of equipment or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities. This includes a broad range of devices from low technology to high technology items as well as software.

An assistive technology service is any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. This service includes:

- Evaluation of the technology needs of the individual, including a functional evaluation in the individual's customary environment.
- Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices for individuals with disabilities.
- Selecting, designing, fitting, customizing, adapting, applying, retaining, repairing, or replacing of assistive technology devices.
- Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs.

- Training or technical assistance for an individual with a disability, or, when appropriate, that individual's family.
- Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or otherwise are substantially involved in the major life functions of individuals with disabilities.

Assessment Process

The assessment process for a child referred for special education may include the consideration of whether or not assistive technology is necessary for the child to achieve educational goals, benefit from education, or make reasonable progress in the least restrictive educational setting. The evaluation team should be multidisciplinary and may involve occupational therapists, physical therapists, speech-language pathologists, assistive technology specialists, special and regular education teachers, adapted physical education teachers, rehabilitation counselors, parents and caregivers. At least one member of the team should be knowledgeable in assistive technology.

Assessment of the need for assistive technology devices or assistive technology services is always done in light of the child's ability to access the curriculum. During the assessment process, several means of benefiting from the educational program should be explored and the effectiveness documented.

Assistive Technology Devices and/or Services designated in the IEP

If the IEP Team determines that the child requires assistive technology in order to access the curriculum and receive FAPE, and the IEP Team designates the need for assistive technology as either special education or a related service, the IEP must include a specific statement of such services, including the nature and amount of such services. The inclusion of assistive technology in the IEP requires a degree of specificity so that it is clear how and why the technology will be used to accomplish a particular goal.

Assistive technology can be a form of supplementary aid or service utilized to facilitate a child's education in a regular educational environment. Such supplementary aids and services, or modifications to the regular education program, must be included in a child's IEP. Individually prescribed devices such as glasses or hearing aids are generally considered to be personal items and are not a service to be provided by the district, and thus would not be listed as a service need on the IEP.

Technology devices and/or services designated in the IEP must be provided at no cost to the parents. However, the district does not need to provide assistive devices if a meaningful and beneficial education can be provided to the child without the equipment.

Ownership of Equipment

Technology devices purchased by the school district, belong to the district. Distribution and use of devices are under the district's control as long as the needs designated in the IEP are being met. School district insurance policies usually cover devices purchased by the district for use by a child. Devices purchased with other funding sources may or may not be covered while on school premises. School staff and parents may want to investigate the district's property insurance to determine what is currently covered and whether or not the policy insures against loss or damage of assistive devices.

In general, the district is responsible for repair and maintenance of assistive devices used to support programs described in the IEP.

On a case-by-case basis, the use of school-purchased assistive technology devices in a child's home or in other settings is required if the child's IEP Team determines that the child needs access to those devices in order to receive FAPE.

SECTION 16. STATEWIDE AND DISTRICT ASSESSMENTS

Statewide Assessments

Alaska has two types of statewide assessments: norm-referenced and criterion-referenced. Norm-referenced assessments compare a child's results with those of other children on the same measure. Examples include the California Achievement Test (CAT-5) or the Terra Nova. Criterion-referenced assessments compare a child's results to an established level of performance; they assess degrees of mastery. Alaska's High School Graduation Qualifying Exam and the Benchmark exams are examples of criterion-referenced assessments.

IDEA 97 emphasizes the importance of having all children with disabilities participate in statewide assessments, with or without accommodations. The U.S. Dept. of Education, Office of Special Education Programs (OSEP) stated that

> Participation in assessments goes hand in hand with access to the general curriculum. Including all children in assessment programs can help to ensure a high quality educational experience for each student by creating high education expectations for all children and accountability for the educational results of all students. It is critically important that schools know how successful they are in preparing all students to meet high standards. Parents need to know this as well (OSEP Memo 00-24, 8/00).

The department disaggregates the performance and the participation rates data for children with disabilities on statewide assessments at the state, district, and school level.

IEP Teams need to ensure that children with disabilities are provided appropriate accommodations for statewide assessments. The department has developed the *Participation Guidelines for Alaska Students in State Assessments* to assist teams in making their decisions. This booklet is available from EED or online at the special education website. It is important that communication between IEP Teams and District Test Coordinators occur well before the scheduled assessments to ensure that children with disabilities receive appropriate accommodations..

Beginning in 2004, children with disabilities that do not pass some or all of the HSGQE sections may be eligible for a high school diploma through an alternative assessment process that will be developed by the department. This should not be confused with the Alternate Assessment system that is described below.

Alternate Assessment

A low percentage (approximately 2%) of school children have very significant cognitive disabilities and adaptive skill levels that prevent completion of the standard academic curriculum even with modifications and accommodations. For these children, taking the HSGQE or the Benchmark exams would not be appropriate. However, IDEA 97 requires states to include these children in statewide accountability efforts and consider their needs when planning to improve schools.

For these children, an individualized, performance-based alternate assessment has been developed. The assessment uses alternate performance standards that are based on Alaska content standards for all children and approved by the Alaska State Board of Education & Early Development. During the school year the IEP team, including the teacher and parent, will collect a portfolio of evidence (i.e., work samples, data charts, photographs) of the child's proficiency in meeting these alternate performance standards. The process is closely tied to the child's IEP and provides a system to improve and organize what teachers are already doing as part of the IEP process. Appendix D contains the Alternate Assessment manual.

Participation in the Alternate Assessment

Members of the child's IEP team decide whether a child participates in the Alternate Assessment. All of the following criteria must be present:

- The child demonstrates cognitive ability and adaptive skill levels that prevent completion of the standard academic curriculum even with modifications and accommodations.
- The child requires extensive direct instruction in multiple settings to accomplish the application and transfer of skills.
- The child is involved in a functional, basic life skills education program.

- The child's inability to complete the standard academic curriculum is not the result of excessive or extended absences, or primarily the result of visual, auditory, or physical disabilities, emotional-behavioral disabilities, specific learning disabilities, or social or cultural and economic differences.

Children participate in the Alternate Assessment in grades three, six and eight, the same years that their peers take the Benchmark Exams, and are assessed in the English/Language Arts, Math, and Skills for a Healthy Life content areas. During high school, children participate in the alternate assessment at grade 11. The department has identified a subset of the alternate performance standards to be assessed at each of these grade levels. Indicators of proficiency will be identified by the teacher and parent. Independent raters will use a numerical rating system to score the portfolio of evidence on the following:

- Skill – how well the child performs the objective, and to what extent the student is independent or uses prompts or assistance.
- Generalization – the extent to which the target behavior is demonstrated in more than one natural environment or with different people, in different subjects or different activities.
- Appropriateness – the extent to which skills are age-appropriate, challenging, authentic, and meaningful for the child.

Based on the above scores, an overall numerical score is derived which rates the child at one of four proficiency levels: not proficient, below proficient, proficient, and advanced. These proficiency levels correspond to the levels that are reported for all children. (See Appendix D for Alternate Assessment Manual that includes IEP Goals and Objectives pages for the Alternate Assessment).

District Assessments

Children with disabilities are also expected to participate in all district-wide assessments. If an IEP Team determines that a child with a disability will not participate in the regular assessments, the IEP must state why that assessment is not appropriate for the child and include a statement of how the child will be assessed.

SECTION 17: PARENT & DISTRICT DISAGREEMENT WITH AN IEP

If there is a disagreement between the district and the parents regarding the IEP, the district must provide the parents with prior written notice. If the parents, within 10 school days, initiate a hearing as a result of a disagreement, the last IEP shall remain in effect until the disagreement is resolved. If after 10 school days no hearing has been initiated, the district shall implement the new IEP. The parents and district could agree to an interim course of action for serving the child until the disagreement is resolved.

SECTION 18. CHARTER SCHOOLS

In Alaska, a charter school operates as a school in the local school district except that the charter school is exempt from the local school district's requirements in terms of textbooks, curriculum, and scheduling, and is also exempt from the Alaska statute requiring a chief school administrator. The principal of the charter school is selected by the academic policy committee and selects, appoints, and otherwise supervises employees of the charter school. Charter schools operate under an annual budget as set out in the contract between the local school board and the charter school.

Children with disabilities who attend charter schools, and their parents, retain all rights under Part B. IDEA 97 requires the local district to serve children with disabilities attending charter schools in the same manner as it serves children with disabilities in its other schools; and to provide federal funds to those schools in the same manner as it provides those funds to its other schools.

SECTION 19. STATEWIDE CORRESPONDENCE STUDY PROGRAMS

A school district may enroll an out-of-district child who requires special education and related services in its approved statewide correspondence study program. The enrolling district shall ensure that all children with disabilities enrolled in its program are identified and located for the purpose of establishing their need for special education and related services.

Correspondence programs that enroll children who require special education and related services shall ensure that each child receives special education services through an individualized cooperative agreement with the district where the child resides. This agreement must be completed before the child is enrolled.

In addition to the information in other cooperative arrangements required for correspondence programs, the cooperative agreement for children requiring special education or related services must include:

1. The plan of services to be provided to the child.
2. The identification of the members of the IEP Team from each district in which the child is enrolled.
3. A description of the manner in which each teacher who works with the child in the correspondence school will participate as a member of the IEP Team for the child.

The plan and the cooperative agreement must include the identification of each child in a manner that complies with confidentiality requirements.

SECTION 20. PRIVATE SCHOOLS

Previously in Alaska, children voluntarily enrolled in private schools were entitled to the same level of special education services as students enrolled in public schools. Under current state law and regulations, children who are voluntarily enrolled in private school are now entitled to the level of service described in IDEA 97.

Child Find for Private School Children

The district must identify, locate, and evaluate all children with disabilities residing within its jurisdiction, including children placed in private schools by their parents. This includes religious schools. The Child Find activities for private school children with disabilities must be comparable to activities undertaken for children with disabilities in public schools. Therefore, the requirements of Child Find in Part II of this Handbook shall apply with respect to children with disabilities who are enrolled in private or parochial elementary or secondary schools. Districts must consult with appropriate representatives of private school children on how to best carry out Child Find activities.

Definitions of Private School Children

To describe the district's responsibilities for serving children in private schools, it is helpful to distinguish three categories of these children. These categories are defined by who enrolls or places the child in a private school and why.

1. *District Placement*

   The district may place a child in a private school to fulfill its obligation to provide FAPE. These placements are always made by an IEP Team.

2. *Voluntary Enrollment by Parents*

   The district makes FAPE available to the child but the parents choose to enroll their child in a private school for a variety of personal reasons such as to obtain a religious education or to attend a school with a particular philosophy or curriculum. This is considered a voluntary enrollment.

3. *Unilateral Placement by Parent*

   Parents may withdraw a child with a disability from a public school because they believe the district has not provided FAPE in a timely manner. The parent then enrolls the child in a private school they believe will provide FAPE and seeks reimbursement from the district for the cost of the private school education. This is considered a unilateral placement.

District Responsibility for Children Placed by the District

When a district refers or places a child with disabilities in a private school or facility, the district must ensure that:

1. The child is provided an education that meets all standards that apply to educational services provided by the state and the district that are necessary to provide FAPE, i.e., personnel standards.
2. Special education and related services, in accordance with the IEP services, are provided at no cost to the parents.
3. The placement in the private school or facility is the LRE for that child.
4. The child is afforded the same rights as children with disabilities served by the school district.

When an appropriate educational program cannot reasonably be made available for a child with a disability within the child's community or school district, the district may send the child to an educational program or residential school outside the child's community or school district for appropriate special education services. The sending district shall pay all costs of the transfer.

The district must, prior to placement of the child in an out-of-district program, initiate and conduct an IEP meeting. The district must also ensure that a representative of the out-of-district facility attends the meeting. If the representative of the facility cannot attend, the district shall use other methods to ensure participation, such as individual or conference telephone calls.

> **Note**: Should the private placement be residential and the parent incur expenses, including telephone calls and travel to and from the site, these expenses should be paid by the district. Also, should a dispute arise as to the appropriateness of the child's program at the private school, while both the parents and the district would have due process rights, the private school would not.

District Responsibility for Children Voluntarily Enrolled by Parents

To the extent consistent with their number and location in the State, provision must be made for the participation of private school children with disabilities in the program assisted or carried out under Part B of the IDEA by providing them with special education and related services. No private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive in a public school.

Determination of Services

Decisions about the services that will be provided to private school children with disabilities shall be made in consultation with representatives of private school children with disabilities.

Each district shall consult, in a timely and meaningful way, with appropriate representatives of private school children with disabilities. The district shall give appropriate representatives of private school children with disabilities a genuine opportunity to express their views in light of the amount of available funding, the number of private school children with disabilities, the needs of private school children with disabilities, and their location to help decide:

1. Which children will receive services;
2. What services will be provided;
3. How and where the services will be provided; and
4. How the services provided will be evaluated.

The consultation must occur before the district makes any decision that affects the opportunities of private school children with disabilities to participate in special education and related services. In the end, the district shall make the final decisions with respect to the services to be provided to eligible private school children.

The needs of private school children with disabilities, their number and their location will vary over time and, depending on the circumstances in a particular district, will differ from year to year. However, an annual consultation with representatives of private school children is not required, since the district is best able to determine the appropriate period between consultations based on circumstances in their jurisdiction.

Services

If a child with a disability is enrolled in a religious or other private school and will receive special education or related services from the district, the district shall:

1. Initiate and conduct meetings to develop, review, and revise a services plan for the child; and
2. Ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

The services provided to private school children with disabilities must be provided by personnel meeting the same standards as personnel providing services in the public schools. Special education services may be provided to children with disabilities on the premises of private schools, including religious schools

Services Plan

Each private school child with a disability who has been designated to receive services must have a services plan that describes the specific special education and related services that the district will provide to the child in light of the services that the district has determined through the process described above. To the extent appropriate, given the services that the district has selected through the consultation process, the services plan must meet the requirements for an IEP in order to ensure that the services are meaningfully related to a child's individual needs. For example, in almost all instances, the services plan developed for an individual private school child with a disability would have to include:

1. A statement of the child's present levels of educational performance;
2. A statement of measurable annual goals, including benchmarks or short-term objectives;
3. A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel;
4. An explanation of the extent, if any, to which the child will not participate with children without disabilities;
5. The projected date for the beginning of the services and the anticipated frequency, location, and duration of those services; and
6. A statement of how the child's progress toward the annual goals will be measured; how the child's parents will be regularly informed of their child's progress toward the annual goals; and the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

The services plan must be developed, reviewed, and revised consistent with state and federal law.

The district is not prohibited from providing services to private school children with disabilities in excess of those required by this part, consistent with State law or local policy.

Transportation

Decisions about whether services will be provided on-site or at some other location is left to the district, in consultation with representatives of private school children. Although in many instances on-site services are most effective, local considerations should allow flexibility in this regard.

While the law does not require the provision of services on-site to private school children, to the extent it is possible to do so, districts are encouraged to provide those services at private school sites so as to minimize the amount spent on necessary transportation and to cause the least disruption in the children's education.

If services are offered at a site separate from the child's private school, transportation may be necessary in order to get the child from one site to the other, or the child may be effectively denied an opportunity to benefit. In this sense then, transportation is not a related service but is a means of making the services that are offered accessible. The district should work in consultation with representatives of private school children to ensure that services are provided at sites that will not require significant transportation costs.

The district is not required to provide transportation from the child's home to the private school.

District Responsibility for Children Unilaterally Placed by Parents

General Reimbursement Provisions

The district is not required to pay for tuition, special education, or related services at a private school or facility for a child who was unilaterally placed there by parents if the district made FAPE available to the child in a timely manner. However, a court or hearing officer may order the district to reimburse parents for the costs of unilaterally placing the child in a private school if:

1. The child with a disability was previously receiving special education and related services from the district; and
2. It is determined the district has not made a FAPE available to the child in a timely manner and that the private placement is appropriate. A parental placement may be found to be appropriate by a hearing officer or a court even if it does not meet state standards that apply to public education.

Denial or Reduction of Reimbursement

A court or hearing officer may reduce or deny reimbursement to parents for the cost of a unilateral placement under the following circumstances:

1. Prior to removal of the child from the public school, the district informed the parent of its intent to evaluate the child, including a statement of the purpose of the evaluation that was appropriate and reasonable, but the parents did not make the child available for evaluation.
2. A judicial decision finds unreasonableness with respect to the actions taken by the parent.
3. The parents did not inform the district that they rejected the placement proposed by the district to provide FAPE and did not state their concerns and intent to enroll the child in a private school at district expense as follows:
    a. This notification must be provided to the IEP Team at the most recent IEP meeting prior to removing the child from public school; or
    b. Must be provided to the district in writing at least 10 business days (including any holidays that occur on a business day) prior to removing the child from public school.

Except that reimbursement will not be reduced or denied if:

a. The district did not notify the parent(s) of the parent's obligation to provide the notice set forth in 3 (a-b) above;

b. The district prevented the parent from providing notice;

c. The district's proposed placement would result in physical or serious emotional harm to the child; or

d. The parent is illiterate and cannot write in English.

Other Issues Related to Private Schools

1. *Separate classes prohibited*

   A district may not use federal special education funds for classes that are organized separately on the basis of school enrollment or religion of children if the classes are at the same site and the classes include children enrolled in public schools and children enrolled in private schools.

2. *Funds not to benefit a private school*

   Federal and state funds and property derived from those funds may not provide a benefit to the private school.

3. *Use of personnel*

   A district may use federal special education funds to make public personnel available to private schools to the extent necessary to provide equitable program benefits for eligible children enrolled in a private school, if these benefits are not normally provided by the private school.

   A district may use federal special education funds to pay for the services of an employee of a private school if the employee is qualified to perform the services, performs the services outside of his or her regular hours of duty and the employee performs the services under public supervision and control.

SECTION 21. JUVENILE & ADULT CORRECTIONAL FACILITIES

A district has the obligation to identify youth in juvenile detention centers and adult correctional facilities located within the district's jurisdiction who are in need of special education services. The district must make FAPE available to these youth. However, the requirement does not extend to youth, ages 18 through 21 who, in the educational placement prior to their incarceration in an adult correctional facility were not actually identified as being a child with a disability and did not have an individualized education program.

The previous exception does not apply to a child who had been identified as a child with a disability and had received services in accordance with an IEP, but who left school prior to incarceration, or did not have an IEP in their last educational setting, but had been identified as a child with a disability.

SECTION 22. REVIEW/REVISION OF IEP

Parents, teachers or others can request that an IEP meeting be held for purposes of review or revision. The decision regarding if, when, and where the meeting will be held rests with the district, although collaboration with parents is expected. The district should grant any reasonable request for an IEP meeting. Any changes in an IEP, including changes in the short-term objectives or benchmarks, and changes in the amount of services listed in the IEP, require an IEP meeting.

The IEP must be reviewed at least annually. This process is accomplished by evaluation of the current IEP and development of a new IEP. The IEP review is conducted to accomplish the following purposes:

1. To determine whether the child's annual goals are being achieved.
2. To revise the IEP if there is any lack of expected progress toward annual goals and in the general curriculum, when appropriate.
3. To determine if an additional assessment is necessary and address the results of those conducted.
4. To address information about the child provided to, or by, the parents;
5. To monitor the continuing eligibility of the child.
6. To write a new IEP with revised goals and objectives to meet the child's anticipated needs for the next year.

When changes in the IEP are required at times other than the annual review date, these changes may be discussed and implemented through a scheduled IEP meeting utilizing one of the following options:

1. Review the entire plan and establish a new annual review date.
2. Use an amendment form. When this option is used, the change becomes a part of the IEP and must be reviewed on the IEPs original annual review date (see Appendix D for a sample IEP Amendment form).

SECTION 23. IEPS FOR CHILDREN FROM INFANT/TODDLER PROGRAMS

1. Transition Planning

The district will develop and have in effect an interagency agreement with the local early intervention program. The agreement will outline the obligations of each cooperating agency to ensure a smooth and effective transition of those children assisted under Part C (formerly Part H) to early childhood special education programs under Part B.

In the case of a child who may be eligible for services, the district will participate in a transition planning conference with the family that is arranged by the early intervention program. The conference will be conducted at least 90 days (and up to 6 months at the discretion of all parties) before the child's third birthday to discuss any services the child may receive.

In addition, the early intervention program has the responsibility to review the child's program options for the period from the child's third birthday through the remainder of the school year and establish a transition plan that includes steps to support the transition of the toddler with a disability to preschool services. The interagency agreement should outline the district's participation in this process.

2. IEP/IFSP Required

A preschool child aged 3 through 5 years who is eligible for services must have an IEP or IFSP (see Section 9) in place by his or her 3rd birthday.

3. Consent and Notice Requirements

The district must obtain parental consent for release of information to obtain pertinent child records from non-educational agencies.

At the transition-planning conference, if further individual assessments are necessary to determine the child's present levels of performance and eligibility, parental consent to evaluate is required. Otherwise, prior written notice to inform the parent of the district's decision to use the current evaluation data and not to conduct any further assessments must be provided to the parent.

Regardless of whether a district gains consent or does not need consent to evaluate, when a preschool child with a disability transitions from a Part C program, parental consent for initial placement in a Part B program and prior written notice of the proposed placement are required. Eligibility and initial placement must be documented for Part B services.

PART V

PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT

Sections

1. Introduction
2. Responsibility for Placement
3. General Placement Procedures
4. Continuum of Placement Options
5. Justification for Placement
6. Consent for Initial Placement in Special Education
7. Annual Determination of Educational Placement
8. Least Restrictive Environment Requirements in Private Schools
9. Out-of-District Placement

SECTION 1. INTRODUCTION

IDEA 97 states that, to the maximum extent appropriate, children with disabilities are to be educated with children who are not disabled. This concept is known as the least restrictive environment (LRE). The IEP must contain an explanation of the extent, if any, to which the child will not participate in the regular education classroom and curriculum, extracurricular activities, or other nonacademic activities.

SECTION 2. RESPONSIBILITY FOR PLACEMENT

The overriding rule is that placement must be made on an individual basis. The placement decision must be made by the IEP Team. The term *placement* means the setting in which special education services are provided, not the specific classroom teacher or school. The IEP team must include the parents and other persons knowledgeable about:

1. The child.
2. The meaning of the evaluation data.
3. The placement options.

If there is disagreement between the parents and the district over the placement decision and a hearing is initiated by the parents, the child must "stay put" unless a temporary placement is agreed upon by the district and the parents.

SECTION 3. GENERAL PLACEMENT PROCEDURES

The IEP Team must adhere to the following procedures when determining the educational placement of a child with a disability, including a preschool child with a disability:

1. **Placement based on IEP:** The placement decision must be based on the child's IEP.
2. **Placement decision after IEP:** The placement decision must be made after the IEP is completed.
3. **Placement decision made by the IEP Team:** The placement decision must be made by the IEP Team and must consider the continuum of placement options. All options must be available for consideration, even if a school site or district has a policy of being fully inclusive. The IEP team must include persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.
4. **Draw on a variety of sources:** In making the placement decision the IEP Team must use information drawn from a variety of sources including teacher recommendations and parent input. Information may include achievement data, performance on social and behavior rating scales, and language spoken in the home.

5. **Continuum of alternative placements:** Each district must have a continuum of alternative placements available at all times to meet the individual needs of children with disabilities (see Section 4 below).

6. **Consideration of harmful effects:** In selecting the placement, consideration must be given to any potential harmful effect on the child or on the quality of services.

7. **Removal only when unsatisfactory achievement documented:** Special classes, separate schooling or other removal of children with disabilities from the regular classroom environment may occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

8. **Involvement with peers who do not have disabilities:** Children with disabilities, including preschool children with disabilities, have the right to be educated in the regular setting to the greatest extent possible with their peers who do not have disabilities. This provision includes children with disabilities placed in a public or private institution or other care facility. The placement decision is not where the child is educated, but rather with whom.

9. **Modifications in the general curriculum are not a basis for removal**: A child can not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

10. **Placement in home school or closest to home**: A child with disabilities should be enrolled in the school he or she would attend if not disabled, unless the IEP requires another arrangement. If the child cannot be educated in the neighborhood school, the child must be provided an educational program as close to home as possible.

11. **Variety of educational programs and services equally available:** Each district shall ensure that children with disabilities have the variety of educational programs and services available to children without disabilities.

12. **Participation in non-academic and extra-curricular activities:** Children with disabilities must be allowed to participate with other children who do not have disabilities in non-academic and extracurricular services and activities to the maximum extent appropriate.

13. **Age-appropriate placements:** In recommending a placement outside the regular classroom environment, the IEP Team shall recommend placement in classrooms and schools with similar age peers.

14. **Placement is determined annually:** The placement, including the justification, must be considered at least annually.

Questions to ask to determine compliance with LRE requirements:

1. Can education in the regular classroom be achieved satisfactorily with the use of supplemental aids and services?

2. Have steps been taken to accommodate the child in a regular education environment?

3. Will the child benefit from regular education?
4. What has been the child's overall educational experience in regular education environments?
5. What effect does the presence of the child with a disability have on a regular classroom environment?
6. If education cannot be satisfactorily achieved in a regular classroom, has the child been included with children without disabilities to the maximum extent appropriate? For example, has the school taken intermediate steps, such as placing the child in regular education for some academic classes and in special education for others; including the child in nonacademic classes only; or providing interaction with children without disabilities during lunch and recess?

SECTION 4. CONTINUUM OF PLACEMENT OPTIONS

The district must ensure that a continuum of alternative placements is available at all times to meet the needs of children with disabilities for special education and related services. These placements include the following:

Option 1. The regular classroom with additional support services. The child remains in the regular classroom. The teacher and/or child is provided with special equipment and supplies, special transportation, paraeducator services, or other supportive services. The regular classroom teacher or paraeducator conducts classroom activities, while the special education teacher or therapist works with the regular classroom teacher or paraeducator to implement the IEP.

Option 2. The regular classroom with direct services from special education personnel. The child remains in the regular classroom. A special education teacher or therapist works with the regular teacher and provides instruction in the regular class to an eligible child whose identified needs can be met with part-time support. The instruction may be on an individual or small group basis and is always coordinated with the regular class activities.

Option 3. The regular educational environment with special education itinerant or resource support. The child receives as much of the regular classroom instruction as appropriate. Additional educational experiences are provided by a special education teacher or therapist in a pull-out program designed to meet identified needs. The duration of time spent with the teacher or therapist is determined by the degree of intervention necessary to meet the child's needs. The instruction may be provided on an individual or small group basis and is always coordinated with the regular class activities.

Option 4. The regular education environment with self-contained classroom support. The child receives any regular classroom instruction from which he or she can benefit. The majority of instruction is provided in a self-contained classroom. Interactions with children without disabilities may occur in the regular classroom, and in non-academic and extra-curricular activities as determined by the IEP Team.

Option 5. Full-time instruction in a separate day school. The child receives all instruction in a separate day school. These experiences are supplemented by involvement in those parts of the regular school program that are appropriate.

Option 6. Home or hospital instruction. The home or hospital program consists of instructional and/or supportive services provided by the school to a child in his home, in a convalescent home, or in a hospital. A physician must certify in writing and the IEP provide that the child's bodily, mental, or emotional condition do not permit attendance at a school.

Option 7. Institutional services. The child resides in an institutional setting and receives all instruction in this setting. Involvement with children without disabilities is provided as indicated in the IEP.

The following special education placements may be considered for **preschool** children with disabilities:

Option 1. Home-based services.

Option 2. Preschool classrooms located in regular elementary schools or other preschool programs operated by public agencies (such as Head Start).

Option 3. District operated preschool programs.

Option 4. Preschool classrooms in private preschools.

Option 5. Preschool classrooms located in facilities that serve only children with disabilities.

A combination of these options may be provided to a child upon the demonstration of need and the recommendation of the IEP Team.

SECTION 5. JUSTIFICATION FOR PLACEMENT

The IEP Team must provide a written statement on the IEP justifying the need for special education services that are more restrictive than full-time services in the regular classroom (i.e., options 3 through 7). Such a statement justifying a more restrictive placement should answer the following questions, as applicable:

1. What supplemental aids and services (i.e.., curriculum adaptation, paraeducator assistance, assistive technology, resource or itinerant instruction) have been considered to address the child's needs?
2. Based on factors identified in the present levels of educational performance and/or in the child's educational goals and objectives, did the team consider the need to:
    - develop a behavior intervention plan?
    - furnish additional training to the service provider?
    - address the developmental level of the child's language skills and social skills?
    - assure child participation in non-academic and extra-curricular activities?

3. What factors identified in the present levels of educational performance and/or in the child's educational goals and objectives require placement in a self-contained classroom in a local school building rather than in a regular classroom with itinerant or resource support?
4. What factors identified in the present levels of educational performance and/or in the educational goals and objectives require placement in a self-contained classroom in a special school building, rather than in a self-contained classroom in the child's home school or in a regular classroom with itinerant or resource support?
5. What factors identified in the present levels of educational performance and/or in educational goals and objectives require placement in an institutional setting or a private day school under contractual agreement, rather than in a self-contained classroom in the local district or in a regular classroom with itinerant or resource support?

Justification for Placement

Placement is considered after the student's educational services are determined. Removal of students from the regular education environment shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. Justification for placement statements must document that other placement options were considered, as well as the reasons they were rejected. The following are possible statements of justification:

1. Skills are below age and grade expectancy and the child requires a structured special education program to remediate the specifically identified areas of concern. Services can be appropriately provided in the regular education classroom setting with supplemental aids and services.
2. The child's present level of educational performance requires curricular modification and individualized instructional strategies. These services can be appropriately implemented in the regular classroom with direct service from special education personnel for a portion of the day.
3. Academic and cognitive skills are deficient to a level that requires specialized instruction provided in a small group setting for part of the day. This service can be appropriately implemented in a regular classroom with pull-out service from special education personnel.
4. The severity, frequency and consistency of the child's behavior indicate the need for a structured behavior management program that must be provided in a special education classroom. Implementation of the behavior program in the regular classroom has been unsuccessful.
5. The child's present levels of educational performance require total curricular modification and individualized instructional strategies. These services can be appropriately implemented in the regular classroom with direct service from special education personnel for the entire day.
6. The child's academic, social, motor, and independent living skills indicate the need for a highly structured environment. Services can only be appropriately implemented in a special program outside the child's home school.

7. A more restrictive placement is required to protect the health or safety of the child based on documented medical needs. Instruction can best be provided in the home or hospital.
8. The child's behavior is so disruptive in a regular school environment, even with extensive support from special education staff, including the use of supplemental aids and services and implementation of positive behavioral support strategies, that the child must be placed in an institution for instructional purposes.

Factors that may **not** be used to determine placement include the category of disability, configuration of the delivery system, availability of educational or related services, availability of space, and administrative convenience.

SECTION 6. CONSENT FOR INITIAL PLACEMENT IN SPECIAL EDUCATION

Before the initial placement of a child in special education, the child's parents must provide the district with written consent. Only a parent, a guardian, a person acting as a parent or a surrogate parent can provide consent for initial placement in special education (see Appendix D for a sample Consent for Initial Placement form.)

Consent means:

- that the parent has been fully informed, in his or her native language or other mode of communication, of all information relevant to the activity for which consent is sought.
- the parent understands and agrees in writing (i.e. the parent's signature on the consent form) to the carrying out of the activity for which consent is sought and the consent describes that activity and lists any records that will be released and to whom.
- the parent understands that the granting of consent is voluntary and may be revoked prior to the occurrence of the action that required consent.

Revoking consent means:

- that a parent who has provided consent for initial placement can revoke that consent prior to the placement being made. However, once the placement has been made, a parent cannot revoke consent to revert a child to a pre-placement status.

Note: Once the initial placement has been made, if there is disagreement between the district and the parent, the parents may request mediation, file a complaint, or file a due process hearing to resolve the dispute.

SECTION 7. ANNUAL DETERMINATION OF EDUCATIONAL PLACEMENT

The child's educational placement must be determined at least annually by the IEP Team. In reviewing an educational placement, the general procedures outlined earlier in this Part must be considered. A justification should again be stated for continuing a child in a present placement or for changing the child's placement.

SECTION 8. LEAST RESTRICTIVE ENVIRONMENT REQUIREMENTS IN PRIVATE SCHOOLS

The district must ensure that all eligible children with disabilities enrolled in public and private schools or facilities receive services in accordance with the least restrictive environment requirements outlined in this Part.

SECTION 9. OUT-OF-DISTRICT PLACEMENT

If the district determines that a student's IEP cannot reasonably be implemented within the district, the district may pursue an out-of-district placement. If a student who requires special education and related services is placed outside the student's resident district by the district, it is the sending district's responsibility to assure that an IEP is developed and implemented. The sending district is also responsible as well as for all costs associated with the transfer. The district must obtain the consent of the student's parent before the student may be transferred to an out-of-district placement. The withholding of consent by a parent does not relieve a school district of the obligation to provide special education and related services to the student. Only in the event that no in-state placement is available in which a free appropriate education can be provided, may the student be placed outside the state. (Also see Part IV, Section 18, Private Schools - District Responsibility for Children Placed by the District.)

Alaska Youth Initiative (AYI)

Before considering an out-of-state placement, the team must give first priority to the in-state placement option that provides the most practicable access from the district. The Alaska Youth Initiative (AYI) was developed to reduce the number of Alaska's students with behavioral and emotional issues placed in out-of-state facilities. AYI provides funding and service coordination for service providers in Alaska. To take access AYI services, districts should contact the local mental health agency who will provide additional eligibility information and assist in completing the application packet. For more information, please call AYI regional representatives at:

SouthEast	(907) 465-4914
SouthCentral	(907) 352-6305
Anchorage	(907) 269-3609
Northern	(907) 451-5042

Districts may also contact Brita Bishop, AYI Coordinator, at (907) 465-4994.

PART VI

PROGRAM EXIT

Sections

1. Discontinuation of Services
2. Graduation Requirements for Students With Disabilities

SECTION 1. DISCONTINUATION OF SERVICES

When a student exits from a district's special education program, a Program Exit form should be completed (see Appendix D for a sample Program Exit form). This form should be placed in the front of the student's file and the records retired to closed files.

Students Who Are No Longer Entitled to Services

The district will follow appropriate procedures to discontinue special education and related services to children who are no longer entitled to receive those services.

1. *The student is no longer eligible.*

   If the district suspects that a student no longer meets the eligibility criteria for special education outlined in the IDEA 97, the district will conduct a re-evaluation to determine if the student still meets the eligibility criteria. The team will arrange to have additional assessments conducted if necessary. If the student is not eligible, the district will provide the parent with prior written notice of this decision before discontinuing special education services.

   Note: If a student reaches the age of majority and asks to be removed from special education, the district must follow appropriate exit procedures.

2. *The student graduated from high school with a regular diploma.*

   The district's obligation to provide special education services ends when the student receives a regular high school diploma (see Section 2 of this Part for additional information).

3. *The student reaches maximum age.*

   For students who have not yet graduated from high school with a regular diploma, the district's obligation to provide special education services to an eligible student who is age 21 on the first day of the school term continues for the entire school year, even if the student's twenty-second birthday occurs during the school year.

   Note: Procedures to exit a student from special education services may not occur while a student is suspended, expelled, or under disciplinary action.

Change in District Obligation to Provide Services

Under certain circumstances, a child may continue to be eligible for special education services, but the district's obligation to provide services changes.

1. *Transfers*

   When a student moves out of the district, the district will forward the student's cumulative file and special education records to the new district as soon as possible. The district will keep documentation for at least five years to demonstrate that the student was eligible for and received special education services.

2. *Drop out*

When a student drops out of school, documentation to that effect will be placed in the student's confidential file. If the student re-enrolls, the previous IEP can be implemented if it is still current and appropriate. If not, a new one must be developed.

Note: In the event that a student chooses to drop out of school, the district should inform the parents and the student in writing of the right to access special education services and to receive FAPE anytime prior to the student's 22nd birthday, if the student continues to meet eligibility criteria.

SECTION 2. GRADUATION REQUIREMENTS FOR STUDENTS WITH DISABILITIES

Graduation means receipt of a regular high school diploma. Participation in a graduation ceremony does not constitute graduation.

Prior Written Notice

Because graduation is a change in placement, the district will provide the parent with prior written notice before the completion of the student's last semester of school. The notice will clearly state that the student will no longer be entitled to receive special education services from the district after graduation with a regular high school diploma. A reevaluation is not required prior to graduation with a regular high school diploma or exceeding the age eligibility for FAPE (22 years).

Alaska High School Graduation Qualifying Examination

Beginning with the graduating class of 2004, students must demonstrate proficiency on the Alaska High School Graduation Qualifying Examination (HSGQE) to earn a high school diploma. The HSGQE assesses students in the areas of reading, writing, and mathematics. Students with disabilities who do not demonstrate proficiency may be able to satisfy the assessment requirement and earn a high school diploma through an "alternative assessment" process that the department is developing and will implement beginning in 2004 (see Part IV, Section 16: *Statewide and District Assessments* for more information).

PART VII

PROCEDURAL SAFEGUARDS AND CONFIDENTIALITY

Sections

1. Parent Rights
2. Transfer of Parental Rights at Age of Majority
3. Prior Written Notice/Parental Consent
4. Mediation
5. Impartial Due Process Hearings
6. Surrogate Parents
7. Independent Evaluations
8. Complaint Procedure
9. Confidentiality of Information

SECTION 1. PARENT RIGHTS

A parent of a child with a disability has specific rights or procedural safeguards under IDEA 97. The district is required to adopt the parents' rights statement developed by the Department of Education & Early Development, referred to as the Notice of Procedural Safeguards (see Appendix E).

When Rights Are Provided

The district must give parents a copy of the Notice of Procedural Safeguards:

1. When consent is sought for an initial evaluation.
2. With each invitation to an IEP Team meeting.
3. When consent is sought for reevaluation of the child.
4. When the parent requests a due process hearing.
5. When a disciplinary decision involves removal of a child that constitutes a change of placement.

SECTION 2. TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY

IDEA 97 outlines procedures for the transfer of parental rights to the student when the student reaches the age of majority (age 18), including students who are incarcerated in an adult or juvenile federal, state, or local correctional institution. Both the parents and the student must be notified of any transfer of rights that will take place. Students are to receive the notification at least one year before they reach the age of majority and a statement must be included in the IEP that the student has been informed of his or her rights, if any, that will transfer to the student on reaching age 18 (see a sample Transfer of Rights letter in Appendix D).

After the student attains the age of majority, if rights transfer, the district must provide any notice required by law (e.g., notice regarding an upcoming IEP Team meeting) to both the student and the parents. All other rights transfer to the student. If the student is determined incompetent under state law, then the rights remain with the parents.

SECTION 3. PRIOR WRITTEN NOTICE/PARENTAL CONSENT

There are a number of proposed actions that require written parent notification. Some actions also require parental consent.

Prior Written Notice

A school district shall provide prior written notice to parents of a child with a disability or child with a suspected disability, in a reasonable time (generally ten school days) prior to the following:

1. When the district proposes to initiate or change the:
    - **Identification** – eligibility for services, need for services, change of disability category.
    - **Evaluation** – initial evaluation and reevaluation.
    - **Educational placement of the child** – graduation, program completion, a placement that changes the degree of interaction with children without disabilities, placement in an interim alternative education setting, suspension for more than 10 days, expulsion.
    - **Provision of FAPE to the child** – IEP changes.

OR

2. When the district **refuses** to initiate or change the identification, evaluation, or educational placement of the child or refuses to make any changes requested by the parent in the provision of FAPE to the child (see Appendix E for Prior Written Notice form and a table outlining when prior written notice, informed consent, and notice of procedural safeguards must be provided).

Neither prior written notice nor consent is required for tests administered to both regular and special education students in a grade or class, or for teacher-made tests or criterion-referenced tests used to determine the child's progress toward IEP goals and objectives/benchmarks.

If prior written notice relates to an action proposed by the district that also requires parental consent, the district may give notice at the same time it requests parent consent.

Content of Notice

The prior written notice shall include:

1. A description of the proposed or refused action by the district.
2. An explanation of why the district proposes or refuses to take action.
3. A description of each evaluation procedure, test, record or report used in deciding to propose or refuse action.
4. A description of any options the district considered.
5. The reasons for the options being rejected.
6. A description of any other factors that are relevant to the proposal or refusal.

7. A statement that the parent has protection under procedural safeguards, or parental rights, and how they can obtain a copy of the parental rights document. If the notice is for initial referral for evaluation, a copy of the notice of procedural safeguards must be provided with the notice.
8. Resources for parents to contact for assistance in understanding their rights.

The notice must be written in language understandable to the general public and, where appropriate, in the native language or other mode of communication used by the parents. If necessary, the notice must be communicated orally in the native language or by other means so that the parent understands the content of the notice. The district must maintain written evidence that these requirements are being met.

Actions Requiring Consent

A district must document that written parental consent was obtained prior to:

1. Conducting an initial evaluation to determine whether a child is eligible for special education.
2. Conducting an assessment that was not listed on the initial consent for evaluation.
3. Initially placing a child with a disability in a special education program.
4. Conducting a reevaluation. A reevaluation refers to any evaluation that is conducted after a child has been determined eligible for special education. However, if parents fail to respond to reasonable measures taken by the district to obtain their consent for reevaluation, the district may proceed with the reevaluation
5. Disclosing personally identifiable information to unauthorized persons.
6. Change of placement.

Note: Parent consent is **not** required before a) reviewing existing data for evaluation or revaluation; or b) administering a test or evaluation that is given to all children, unless consent is required of all parents.

Consent means:

- That the parent has been fully informed, in the parent's native language or other mode of communication, of all information relevant to the activity for which consent is sought.
- The parent understands and agrees in writing (indicated by the parent's signature on the consent form) to the carrying out of the activity for which the consent was asked, and the consent describes that activity and lists any records that will be released and to whom.
- The parent understands that the granting of consent is voluntary and may be revoked at any time, but the revoking of consent does not negate an action that has occurred after the consent was given and before the consent was revoked.

Revoking Consent

Revoking consent refers to a situation where consent is required and the parent revokes consent prior to initiation of the action for which consent was required. The district may continue to pursue the action through mediation and/or initiating a due process hearing. If the hearing officer determines that the action is necessary, and the parent does not appeal, the district may take the action. If parents disagree with the district after an action involving consent has transpired, they may request a due process hearing. During a due process hearing the child is required to "stay-put" until the hearing is completed.

> **Note:** A parent who has provided consent for an initial evaluation may revoke that consent prior to the evaluation occurring. However, once the evaluation has been completed, a parent may not revoke consent to revert the child to a previous status, or have the evaluation disregarded. If a parent disagrees with the district evaluation, the parent has the right to an independent evaluation.

Refusal to Give Consent

When a parent refuses consent, a district may take the following steps:

- The district may request, in writing, that the parents or guardians meet with the district staff to discuss the need for an initial evaluation, placement in a special education program, or the release of information the district believes is necessary to ensure FAPE. The district will attempt to obtain the parental consent at that meeting.
- If the parents or guardians refuse to give consent for an initial evaluation or reevaluation, the district may continue to pursue the action through mediation and/or initiating a due process hearing. If the hearing officer determines that the action is necessary, and the parent does not appeal, the district may take the action.

Failure to Obtain Parental Consent for Re-evaluation

Parental consent for conducting a re-evaluation of a child with a disability is not required if the district can demonstrate that it has made reasonable attempts to obtain consent and the parent has failed to respond. Districts should carefully document their attempts to obtain parental consent.

SECTION 4. MEDIATION

When a district and a parent have a dispute they are unable to resolve, they may seek to address their differences through mediation. Mediation is a no-cost, voluntary process through which an impartial third party helps parties experiencing a conflict reach a suitable agreement. The department encourages the use of mediation whenever a dispute arises in the identification, evaluation, placement, or provision of an appropriate program of a child with a disability.

The ultimate goal of mediation is to seek a written agreement that is mutually acceptable to both parties. However, even if a formal agreement is not reached, mediation may be helpful in clarifying issues. The district should refrain from using the term "mediation" to refer to any district-level process for resolving disputes. When an impasse is reached with a parent, the district should suggest use of the state mediation system.

Alaska's Mediation System

The department contracts for the administration of a statewide mediation system. The following are characteristics of Alaska's system:

1. Mediation is a voluntary process mutually agreed to by a parent and the district.
2. The mediation conference is an informal dispute resolution process conducted in a non-adversarial atmosphere.
3. Each mediation conference is scheduled in a timely manner and is held in a location that is convenient to the parties involved in the dispute.
4. Mediation is confidential.
5. Mediation is an alternative to a due process hearing or administrative complaint.
6. Mediation is available at no cost to parents and districts.
7. Mediation is a means of resolving disputes regarding the identification, evaluation, and educational placement provisions of FAPE.
8. Any resolution reached as part of the mediation process must not conflict with state or federal law and must be satisfactory to both parties.
9. Anyone who is acceptable to both parties may attend the mediation conference. It is suggested that attorneys not attend as they add a formality to the setting that is more appropriate for a due process hearing.
10. Mediation cannot be used to deny or delay a parent's right to a due process hearing, administrative complaint investigation, or any other rights afforded under IDEA 97.
11. A written mediation agreement will be prepared and signed by both parties, along with the mediator. If no agreement is reached, the mediator will issue a letter stating that an agreement could not be reached.
12. If a mediation agreement is not adhered to, then the parent or district may request a due process hearing.
13. If a mediation is not successful and either party requests a due process hearing, the mediators will not willingly participate in any phase of the due process hearing.

Mediators

Through the mediation contractor, the department maintains a list of qualified mediators who are impartial and trained in effective mediation techniques, as well as knowledgeable in laws and regulations relating to the provision of special education and related services. Mediators act as facilitators to assist parents and districts in resolving a conflict.

If a mediator is not selected on a random basis from the list of qualified mediators, both parties must be involved in selecting the mediator and agree with the selection of the individual who will mediate.

Mediation Requests

A request for mediation may occur when:

1. The parents and district are unwilling or unable to modify their position without outside assistance.
2. The parents and district, after making a good faith effort, face an impasse in attempting to resolve a conflict regarding the identification, evaluation or educational placement of the child or the provision of FAPE.
3. A request for a due process hearing has been made by either a parent or the district, or an administrative complaint investigation has been filed with the department.

A telephone or written request for mediation may be made by a parent, guardian, surrogate parent, or the district. Requests for mediation should be made to:

Alaska Special Education Mediation Services
C/O Dave Thomas
PO Box 4750
Whitefish, Montana 59937
Telephone: 800-580-2209
Fax: 406-863-9229

Confidentiality

Discussions that occur during the mediation process are confidential and cannot be used as evidence in any subsequent due process hearing or civil proceeding. The parties in the mediation process will be required to sign a confidentiality pledge prior to commencement of the mediation session. This confidentiality requirement does not diminish a parent's right to obtain records under FERPA or either party's right to obtain information that would otherwise be subject to discovery.

SECTION 5. IMPARTIAL DUE PROCESS HEARINGS

Request for Hearing

A parent may initiate a hearing (or a child may initiate a hearing, if the child is the age of 18 and has not been declared incompetent by a state court), by filing with the district a written request for a hearing to challenge the following:

1. An action or refusal to initiate or change the identification, evaluation, or educational placement of a child, or the provision of FAPE to the child.
2. Lack of provision of due process (e.g. The parent was not fully informed of his/her rights).

A parent must make a request for a due process hearing no later than 12 months after the date that the school district provides the parent with prior written notice of the decision with which the parent disagrees.

A district may initiate a hearing by sending the parent written notice of the district's intent to initiate a due process hearing to:

1. Challenge a parent's refusal to consent to an evaluation, reevaluation, placement, or the provision of FAPE.
2. Challenge a parent's refusal to consent to the release of a record.
3. Challenge the district's obligation to pay for an independent educational evaluation.
4. Ask a hearing officer to place a child in an interim alternative educational setting for disciplinary reasons.

Written Request to District

A request for a due process hearing must be made in writing. The request may be made by the parent or the attorney representing the child. The written request must include:

1. The child's name, address, and school.
2. A description of the issue relating to the proposed or refused initiation or change, including relevant facts related to the problem.
3. A proposed resolution of the problem, to the extent known and available to the parent.

Note: The district may not deny or delay a parent's right to a due process hearing for failure to provide the notice described above.

The public agency shall inform the parent of any free or low-cost legal and other relevant services available in the area if:

1. The parent requests the information.
2. The parent or the agency initiates a hearing under this section.

The district shall inform the parent of the availability of mediation as an alternative dispute resolution mechanism. However, the offer of mediation does not negate the parent's or district's right to a due process hearing.

Assignment of An Impartial Hearing Officer

If a due process hearing is requested by a school district, a parent, or a student who has reached the age of majority, the district shall contact the department to request appointment of a hearing officer. The department will select a hearing officer through a random selection process, from a list maintained by the department. Within 5 business days after receipt of the request, the department will provide the district and the parent (or student) a notice of appointment, including the name and a statement of the qualifications of the hearing officer the department has determined eligible to conduct the hearing.

The district and the parent (or student) each have the right to reject, without stating a reason, one hearing officer appointed by the department. The rejecting party shall send written notice of the rejection to the department within five days after receipt of the department's notice of appointment. The department will, within 5 business days after receipt of the written rejection, provide a notice of appointment, including the name and statement of qualifications, of another hearing officer that the department has determined available to conduct the hearing. Each appointment is subject to a right of rejection by a party who has not previously rejected an appointment.

Immediately following appointment, the hearing officer shall inform the parties of the availability of mediation and encourage use of that process to attempt to resolve the disagreement between the parent and the school district, but the hearing officer may not act as a mediator to the dispute.

A hearing officer may conduct a pre-hearing conference for the purpose of determining scheduling, requirements for briefing and exchange of exhibits, and other administrative matters specific to the hearing.

A hearing officer must be at least 21 years of age, and have successfully completed a training program sponsored by the department. Potential candidates must submit an application to the department in order to participate in the training program that will include review and analysis of federal and state statutes and regulations, and relevant court decisions. Each candidate must be at least a high school graduate or present evidence of equivalent formal education. The department will set class size at a level appropriate to maintain a sufficient number of hearing officers.

The appointment of a hearing officer who has a personal or professional bias that might preclude objectivity toward either of the parties to the hearing or any of the issues to be decided in the hearing is prohibited. Personal or professional bias means an interest that an independent third party could reasonably expect would conflict with the officer's ability to objectively perform the responsibilities of a hearing officer and includes:

1. Current or previous service (12 months immediately preceding appointment) as an employee of the school district serving persons with disabilities.

   Note: A person who otherwise qualifies to conduct a hearing is not considered an employee of a district solely because he or she is paid by the district to serve as a hearing officer.

2. Current or previous service (12 months immediately preceding appointment) as representative or consultant for the parent in a due process hearing or a complaint process.
3. Current or previous responsibility for reviewing, approving, or developing policy or financial actions of a district serving children with disabilities.
4. Previous, current, or anticipated receipt of fees for consulting or legal services by the district.
5. Personal familiarity with the child or the child's parents, including being a relative of the child or the child's parents.

A hearing officer may at any point withdraw from consideration or from service in any hearing in which the officer believes a personal or professional bias exists that may affect the impartiality towards any of the issues to be decided in the hearing.

A party may request the disqualification of a hearing officer by filing with the hearing officer an affidavit, before the taking of evidence at a hearing, which states the grounds for the party's belief that the hearing officer cannot conduct a fair and impartial hearing. The hearing officer will determine the issue.

Prior to the Hearing

A parent must be allowed to inspect and review reports, files, and records pertaining to the parent's child at least 5 business days prior to the time that a parent is to participate in a hearing. A district may charge a fee for copies of records if the fee does not effectively prevent a parent from exercising his or her right to inspect and review those records. The district may not charge a fee to search for or retrieve records.

At least 5 business days prior to a due process hearing, each party shall disclose to all other parties all evidence to be offered at a hearing other than for rebuttal purposes, including all evaluations completed by that date and recommendations based on those evaluations that they intend to use at the hearing. A hearing officer may bar any party that fails to comply with the disclosure requirement from introducing the relevant information or recommendations at the hearing without the consent of the other party.

Conduct of a Hearing

Hearings and reviews involving oral arguments must be conducted at a time and place that are reasonably convenient to the parents and the child involved. The hearing officer shall deliver or mail a notice of the hearing to the parent at least 10 days before the hearing. The notice must be worded substantially as follows:

> You are notified that a hearing will be held before (insert name of hearing officer) at (insert place of hearing) upon the ______ day of ________________, 19__ at the hour of ______, in response to the request of ______________ for a hearing on the following issue: _________________. You may be represented by counsel, may present any relevant evidence, and may cross-examine any witnesses testifying against you.

In the notice provided, the district must inform the parent of any free or low-cost legal and other relevant services available in its area, and the availability of mediation.

The hearing will be conducted according to the following rules.

1. The hearing will be conducted at a time and place that is reasonably convenient to the parents and child involved.
2. A record of the hearing will be made. The record will be a written transcript unless the parent opts for an electronic verbatim record. The parent may have access to the record upon formal request.
3. Each party may be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities.
3. Oral evidence may be taken only on oath or affirmation.
4. Each party has the right to compel the attendance of witnesses, call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on matters relevant to the issues even though those matters were not covered in the direct examination, impeach a witness regardless of which party first called the witness to testify, and rebut the evidence against him or her.
5. The hearing need not be conducted according to technical rules relating to evidence and witnesses, however:
    - Relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of a court rule that makes improper the admission of the evidence over objection in a civil action.

- Hearsay evidence may be used to supplement or explain direct evidence but is not sufficient by itself to support a finding unless it would be admissible over objection in a civil action.
- The rules of privilege are effective to the same extent that they are recognized in a civil action.
- Irrelevant and unduly repetitious evidence may be excluded.

6. A hearing officer may bar any party that fails to comply with the disclosure requirement from introducing the relevant information or recommendations at the hearing without the consent of the other party.
7. An employee of the district may be called as a witness by any party.
8. A parent may have his or her child present and may open the hearing to the public.
9. The burden of proof is on the district. The burden of persuasion is by a preponderance of the evidence, except when the issue is whether maintaining the current placement of the child is likely to result in injury to the child or others, in which case the burden of persuasion is by evidence that is greater than a preponderance of the evidence.
10. The hearing officer shall render a final, written decision that includes a statement of the facts on which it is based. The hearing officer shall mail a copy to each party not later than **45 days after receipt of a parent's request for a hearing**, or 45 days after a district sends a written notice. A hearing officer may grant specific extensions of time beyond the 45-day period at the request of either party. An extension may only be granted for good cause. The extension may only be ordered for a specified time to respond to those circumstances. A hearing officer should not extend the timelines for a hearing based on the fact that there is pending mediation, unless both parties agree to the extension.
11. The district shall mail a copy of the decision of the hearing officer to the department within a reasonable period of time.
12. The district shall mail a copy of the findings and decisions of the hearing officer, within a reasonable period of time and after deleting any personally identifiable information, to the Governor's Council on Disabilities and Special Education; P.O. Box 240249; Anchorage, AK 99524-0249. The department will make those findings and decisions available to the public.
13. Any party to the hearing has the right to obtain a written, or at the option of the parents, electronic findings of fact and decisions. The district shall provide the copy upon request.
14. The decision of a hearing officer is final and binding on the school district and parent (or student) unless a party to the hearing appeals the decision.. Notwithstanding a decision by the hearing officer, a child may not be evaluated, placed, transferred, or compelled to receive special education or related services until the period for filing an appeal has expired, or, if an appeal is filed, until the appellate review process has been completed.

Child's Status During Proceedings

Pending the outcome of any administrative or judicial proceedings regarding a due process hearing, unless the public agency and the parents of the child agree otherwise, the child involved in the complaint must remain in his or her present educational placement (refer to Part IV, Section 11 regarding exception to "stay put" related to student discipline).

If the due process hearing involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in the public school program until the completion of all the proceedings.

Expedited Hearing

If school personnel believe that it is dangerous for a child to be in the current placement (i.e., placement prior to removal to the interim alternative education setting) during the pendency (period of time between the request for and the completion of the hearing) of the due process proceedings, the district may request an expedited due process hearing. In determining whether the child may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing officer must:

a. Determine that the district has demonstrated by substantial evidence (i.e., beyond a preponderance of the evidence) that maintaining the current placement of the child is substantially likely to result in injury to the child or to others;

b. Consider the appropriateness of the child's current placement;

c. Consider whether the district has made reasonable efforts to minimize the risk of harm in the child's current placement, including the use of supplementary aids and services; and

d. Determine that the interim alternative educational setting that is proposed by school personnel who have consulted with the child's special education teacher, meets the requirements of an interim alternative educational setting.

The hearing officer's written decision must be mailed to the parties within 45 days of the parent's or district's receipt of the request for the hearing, without exceptions or extensions. The hearing officer's decision is final, except that any party involved in the hearing may appeal the decision to state or district court.

Placement in an interim alterative educational setting, ordered by a hearing officer, may not be longer than 45 days. However, the procedures outlined above may be repeated, as necessary.

Appeal of a Hearing Officer's Decision

Any party aggrieved by the decision of a hearing officer may appeal the decision to the superior court for review in the manner provided under Alaska Statute 44.62.560, in accordance with rule 602 of the Rules of Appellate Procedure.

A parent who appeals to the court and who is determined by the court to be an indigent person may be provided with a court appointed attorney at public expense.

Attorneys' Fees

A court shall have jurisdiction in the awarding, determination, or prohibition of attorneys' fees to the parent(s) of a child with a disability. The court may:

1. Award reasonable attorneys' fees as part of the costs to a parent of a child with a disability who is the prevailing party.
2. Determine the amount of attorneys' fees, using prevailing rates in the community in which the action arose, for the kind and quality of services provided.

Prohibition of Attorneys' Fees

Part B funds may not be used to pay attorney's fees or costs of a party, but may be used to conduct an action or proceeding (i.e., paying for the hearing officer and place for the hearing).

Attorneys' fees may not be awarded and related costs may not be reimbursed in any action or proceeding for services performed subsequent to the time of a written offer of settlement to a parent if:

1. The district makes an offer at least 10 days before an administrative hearing or civil proceeding.
2. The offer is not accepted by the parents within 10 days after it is made.
3. A court or administrative hearing officer finds that the relief obtained by a parent is not more favorable to the parent than the offer of settlement.

Attorneys' fees may also **not** be awarded:

1. To a parent for legal representation at an IEP meeting unless such a meeting is convened as a result of an administrative proceeding or judicial action.
2. For mediation that is conducted prior to a request for a due process hearing.

Exception to Prohibition of Attorneys' Fees

An award of attorneys' fees and related costs may be made to a parent who is a prevailing party and who was substantially justified in rejecting the settlement offer.

Reduction in the Amount of Attorneys' Fees

A court may reduce an award for attorneys' fees if:

1. A parent, during the course of the action or proceeding, unreasonably extended the final resolution of the controversy.
2. The amount of the award unreasonably exceeds the prevailing rate in the community for similar services by attorneys of reasonably comparable skills, reputation, and experience.
3. The time spent and legal services rendered were excessive considering the nature of the action.
4. And the attorney representing a parent did not provide the information specified for the notice of a request for a due process hearing.

The amount of the attorneys' fees will not be reduced if the court finds that the district or state unreasonably extended the final resolution of the action or proceeding.

SECTION 6: SURROGATE PARENTS

The district shall establish and implement written procedures for the identification of children who are entitled to the appointment of a surrogate parent, and for the appointment and removal of surrogate parents. The written procedures must be available to the department during compliance monitoring reviews (see Appendix E for a model Surrogate Parent Plan).

The term "parent" means a parent, a guardian, a person acting as a parent, or a surrogate parent but does not include an employee of the State if the child is a ward of the State.

> **Acting as a parent** includes persons such as a grandparent or stepparent with whom the child lives, as well as persons who are legally responsible for a child's welfare. The term does not include state agency personnel if the child is a ward of the state.
>
> **Guardian** is a private individual who has been given the legal custody of a child by a court.
>
> **Surrogate Parent** is an individual who acts in place of a parent and meets the qualifications for surrogate parents.
>
> **Ward of the State** means that the courts have placed the child under the custody of the Department of Health and Social Services, Division of Family and Youth Services. A child who is a ward of the State shall be provided with a surrogate parent.

A surrogate parent is not liable for civil damages as a result of an act or an omission committed in the surrogate parent's official capacity, except that a surrogate parent may be liable for civil damages as a result of gross negligence or intentional misconduct.

Qualifications

An individual is generally qualified to serve as a surrogate parent if the district determines that the individual possesses the necessary knowledge and skills to adequately represent the child, and:

1. Has no personal or professional interests that could conflict with the interests of the child.
2. Is not employed by the state education department or any public agency that is involved in the education or care of the child.

   Note: A person who otherwise qualifies as a surrogate parent is not considered an employee of a district solely because he is paid by the district to serve as a surrogate parent.

3. Has knowledge and skills that assure adequate representation of the child.
4. In general, is familiar with the state and federal requirements for special education and with the nature of the child's disability.
5. Has participated in a training program for surrogate parents developed by the department and conducted by the district.

   Note: An employee of a nonpublic agency that only provides non-educational care for the child and who meets the above standards may serve as a surrogate parent if all other requirements above are met.

Training

Training for surrogate parents includes the following topics:

1. The role of the surrogate parent.
2. The state and federal requirements for special education.
3. The rights and responsibilities of parents in the educational decision-making process.
4. The procedure which a surrogate parent follows if the parent believes that circumstance regarding the surrogate parent's role may create a conflict with the interest of the child, including the procedure for immediately notifying the district if such a potential conflict exists.
5. The nature of the child's disability.

Districts should recruit and train prospective surrogate parents with training even if no children with disabilities currently require a surrogate parent. This will prevent unnecessary service delays if a child is referred and needs a surrogate parent.

Appointment

A child is entitled to a surrogate parent if the child is 3 through 17 years of age or the child is 18 through 21 years of age and has been adjudicated incompetent by a court, or if the child is between 18 and 22 years old and the district determines that it is in the best interest of the child to be appointed a surrogate parent even though the child has attained the age of majority, and:

1. The district cannot identify a parent or legal guardian of the child.
2. After reasonable efforts, the district cannot discover the whereabouts of at least one person acting as a parent or legal guardian.
3. The district locates one or more persons acting as a parent or legal guardian of the child, but each person affirmatively disclaims responsibility for the child's educational program and relinquishes it in writing to a surrogate parent.
4. The child is in the custody of the Department of Health and Social Services (DHSS).
5. A parent or legal guardian requests a district to appoint a surrogate parent for the child. The parent who requests that a surrogate be appointed has the right to continue to receive prior written notice. Parents must be informed that their request for a surrogate parent appointment is voluntary and may be revoked at any time.

Note: The educational placement of a child who has been identified by the district as entitled to a surrogate parent shall not be changed until 10 days after appointment of a surrogate parent.

When a child is in DHSS custody, the child's social worker or probation officer will provide information about the child's custody status to the school district.

Responsibilities

A surrogate parent may represent the child in all matters relating to the identification, evaluation, and educational placement of the child, and the provision of FAPE, including:

1. The right to receive notice of actions proposed or refused by the district.
2. The right to provide or withhold consent requested by the district.
3. The right to participate in the development, review, and revision of the IEP.
4. All aspects of the protection of the confidentiality of personally identifiable information collected, used, or maintained by the district.
5. The conduct of an independent educational evaluation of the child.
6. The initiation and conduct of due process hearings.

Conditions for Natural and Foster Parents to Serve As Surrogate Parents

A natural parent may serve as a surrogate parent when the child is in state custody and the parent has not been barred from contact with the child. When the district determines that the natural parent will represent the child, the district must train and appoint the natural parent as a surrogate parent.

A person who is a foster parent is ineligible to serve as a surrogate parent. Exceptions can be made when the foster parent has served as foster parent for a particular child for a long period of time, usually two years or more, and it is reasonable to assume that DFYS will not be moving the child to a different foster situation in the foreseeable future. The foster parent must be willing to make the educational decisions required of parents of children with disabilities. Foster parents who do not serve as surrogate parents may still attend and participate in special education meetings related to their child. However, all educational decisions, including providing consent, must be made by the child's appointed surrogate parent.

Matching Surrogate Parents and Children

A district should consider the following factors when matching a child with a surrogate parent:

1. Cultural similarities.
2. Religious similarities.
3. Age preferences of surrogate parent or child.
4. Language compatibility.

The district should give preference to a member of the child's immediate or extended family, or family friend over a person having no prior involvement with the child.

Compensation

The district should decide on an incentive or compensation policy for surrogate parents. Some may decide on a total volunteer program; others may decide to reimburse expenses; some may reimburse expenses and pay per diem; others may pay an hourly rate or an annual salary.

Monitoring

The district is responsible for monitoring each appointed surrogate parent to ensure they perform their duties, stay free from conflict of interest and take no action that might be harmful to the child.

Removal

A district will remove a surrogate parent if:

1. The surrogate parent requests removal.

2. The surrogate parent fails to act with reasonable diligence on behalf of the child.
3. The surrogate parent is not qualified to act as a surrogate parent.
4. The surrogate parent engages in actions that threaten the welfare of the child.
5. The circumstances which gave rise to appointment of the surrogate parent no longer exist.
6. It is determined that the child is no longer in need of special education.

If it is decided to remove a surrogate parent, the reasons for the removal must be presented to the surrogate parent in writing. The district shall provide an opportunity for impartial review of the decision to remove a surrogate parent. The final decision of a district to remove a surrogate parent is not subject to appeal to the department.

SECTION 7. INDEPENDENT EVALUATIONS

Right to an Independent Educational Evaluation

Parents of a child with a disability have the right to obtain an independent educational evaluation (IEE). An IEE is an evaluation conducted by a qualified examiner who is not employed by the district responsible for the education of the child in question. The primary purpose of the independent educational evaluation is to determine eligibility, not to develop the IEP.

Availability of Information

The district must provide, upon request, information to parents as to where an IEE may be obtained. Since IEEs at public expense must be conducted according to the same criteria that apply to evaluations conducted by the district (see Part IV, Section 5), the district must provide parents with the district criteria for evaluations, including the location of the evaluation and the qualifications of the examiner. If a district's list of independent evaluators is not exhaustive within the geographic area, or if the list does not include evaluators who can appropriately evaluate a specific child, then the parents are not restricted to the district's list.

Right to an Independent Educational Evaluation at Public Expense

Under the following circumstances, a parent has the right to an IEE at public expense if the parent disagrees with an assessment obtained by the school district:

1. The district must first have had the opportunity to conduct an evaluation.

   Note: If a parent requests an IEE, the district may ask about the parent's reason for objecting to the district evaluation. However, the explanation is not required and the district may not unreasonably delay either providing the IEE or initiating a due process hearing to resolve the issue.

2. Whenever an IEE is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria the district uses when it initiates an evaluation.
3. Parents are entitled to only one IEE at public expense for each district evaluation.
4. A due process hearing may be initiated by the district to determine if the evaluation conducted by the district was appropriate. If the final decision of a hearing officer (or a court of law if the hearing officer's decision is appealed), is that the evaluation conducted by the district is or was appropriate, the parent still has the right to an independent evaluation. However, the parent must pay for this evaluation.
5. If a hearing officer requests an IEE as part of a hearing, the evaluation must be at district expense.

   Note: Since the right of a parent to obtain an IEE is triggered by the parental disagreement with the district's evaluation, an IEE at public expense would not be available if a parent refuses to consent to a proposed district evaluation since there would be no public evaluation for the parent to disagree with. If the parent believes the proposed public evaluation is inappropriate, the parent may pursue a publicly funded evaluation via the mediation, complaint, or due process procedures.

Maximum Allowable Charges

To avoid unreasonable charges for IEEs, a district may establish maximum allowable charges for specific tests. If a district does establish maximum allowable charges for specific tests, the maximum allowable charges must:

1. Not simply be an average of the fees customarily charged in the area by professionals who are qualified to conduct the specific test.
2. Allow parents to choose from among the qualified professionals in the area and only eliminate unreasonably excessive fees.
3. Allow parents the opportunity to demonstrate that unique circumstances justify an IEE that does not fall within the district's criteria. If an IEE that falls outside the district's criteria is justified by the child's unique circumstances, that IEE must be publicly funded.

Consideration of IEE Results

If a parent obtains an IEE at **private** expense that meets the district's evaluation criteria and makes the results available to the district, the results must be considered by the district in any decision made with respect to the provision of a FAPE to the child. The results may also be presented as evidence at a hearing regarding that child.

Procedures for Requesting an IEE

If a parent wants to request an IEE at district expense, the parent should notify the district. The district must provide the parent with:

1. A list of independent evaluators.
2. The district's criteria for IEEs, including maximum allowable charges, if any.
3. A copy of the evaluation and eligibility requirements set forth in Part III of this handbook.

District Responsibilities Following IEE Requests

If a parent requests an IEE, the district may do one of the following:

1. Propose mediation to resolve differences.
2. Agree to pay for an IEE.
3. Initiate a due process hearing to show that its evaluation was appropriate. The parent must be advised if he or she pursues an IEE, it may be at his or her expense.

After a parent has obtained an IEE, the district must do one of the following:

1. Pay for the evaluation/assessment if it meets the criteria for publicly-funded IEEs. If the district believes the district evaluation was appropriate, this should be stated in writing within the same document in which it agrees to pay.
2. Provide written notice to the parent of the district's refusal to pay for an IEE that does not meet the criteria for publicly-funded IEEs. The district must also inform the parent of his or her right to a due process hearing to challenge this decision.
3. Provide written notice to the parent of the district's refusal to pay for an IEE and request a due process hearing to demonstrate the district's evaluation or assessment was appropriate. The district does not have to pay for an evaluation if the hearing officer finds for the district.

SECTION 8. COMPLAINT PROCEDURE

The department will review, investigate, and take appropriate action on complaints alleging that a district or other educational agency is acting contrary to state or federal requirements for special education. If the complainant's native language is other than English, the written complaint may be filed by proxy.

Complaints must allege violations that occurred not more than one year prior to the date of receipt, unless a longer period is reasonable because the violation is continuing, or the complainant is requesting compensatory services for a violation that occurred not more than three years before the complaint was received.

A complaint may be filed by an organization or person (including from another state) and must be in writing. Complaints should be made to the department and include at least the following information:

1. Date.
2. Name of district or agency the complaint is against.
3. Name, address and telephone number of the person making the complaint.
4. Name, address and telephone number of the child or children involved.
5. An explanation of how the district or agency is alleged to have violated federal or state requirements.
6. The facts upon which the allegation or allegations are based.
7. The date of each alleged violation or, in the case of an alleged continuing violation, the date that the first violation took place and the history of the continuing violation up to the date of the complaint.

Upon receipt of a written and signed complaint, the department will:

1. Notify the district or agency of the alleged violations.
2. Evaluate the complaint to determine whether the department can accept the complaint as submitted for processing, and notify the complainant if the complaint cannot be processed for any reason.
3. Assist the complainant to clarify the allegations in the complaint, and give the complainant the opportunity to submit additional information.
4. Work with the complainant and with the district or agency to resolve the issues in a non-adversarial manner, if possible.
5. Undertake an independent investigation that may include interviews of the parties and their employees, a review of all relevant documentation, and an on-site investigation.

Within 60 days after an accepted complaint and completion of the investigation, a written decision will be issued to the complainant and the school district or agency. The investigative report will address each allegation in the complaint and will include:

1. A summary of the complaint.
2. A summary of the investigation.
3. Findings of fact.

4. Conclusions of law.
5. Reasons for the final decision.
6. Any corrective action required.

An extension of the time limit will be allowed only if exceptional circumstances exist with respect to a particular complaint and are documented by the department. An extension of the time limit should not be based on the fact that there is pending mediation unless both parties agree to the extension.

The department will ensure that a district effectively implements the final decision contained in the investigative report that may include corrective actions and technical assistance activities. If it is determined that a district failed to provide appropriate services, the investigative report issued by the department will address:

1. How to remediate the denial of those services including, as appropriate, the awarding of monetary reimbursement or other corrective action to meet the child's needs.
2. Appropriate future provision of all services for all children with disabilities.

Appeals

The complaint investigation report issued by the department is a final administrative decision. In the event that either the district or the complainant wishes to contest the findings, either party may request a due process hearing. The district may also request an appeal directly to federal or superior court in accordance with Rule 602 of the Rules of Appellate Procedure.

Complaints and Due Process Hearings

If a written complaint is received that is also the subject of a due process hearing, or the complaint has multiple issues, some of which are being addressed in the due process hearing, the department will set aside any part of the complaint that is being addressed in the due process hearing until the conclusion of the hearing. However, any issue in the complaint that is not a part of the due process hearing will be investigated within the time limit and under the procedures specified above. If issues raised in a complaint were previously decided in a hearing between the same parties, the department will inform the complainant that the hearing decision is binding. A complaint that the district is not implementing a hearing decision must be investigated by the department.

SECTION 9. CONFIDENTIALITY OF INFORMATION

Protection of Records

The district must prevent the unauthorized disclosure of personally identifiable information pertaining to children with disabilities. A district must designate one employee to protect the confidentiality of special education student records collected, maintained, or used. That person shall assume responsibility for ensuring the confidentiality of any personally identifiable information and must:

1. Respond to any request for inspection and review of an education record.
2. Respond to any request made for an explanation or interpretation of an education record.
3. Respond to any request made to amend an education record.
4. Obtain written and dated consent before disclosing personally identifiable information to unauthorized individuals.
5. Respond to any request to destroy an education record.
6. Keep a record of parties obtaining access to educational records (except parents and authorized employees of the district), including the name of the party, agency affiliation, the date of access, and the purpose for which access was provided (see Appendix E for a sample Record of Access form).
7. Maintain a current listing for public inspection of the names and positions of the employees who may have access to personally identifiable information.
8. Provide parents, on request, a list of the types and locations of education records collected, maintained, or used by the district.
9. Ensure that the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages is protected.
10. Ensure that if any educational record includes information on more than one child, the parents of those children shall have the right to inspect and review only the information relating to their child or to be informed of only that specific information.

Ensure that each person collecting or using personally identifiable information shall receive training or instruction regarding the policies and procedures governing confidentiality of personally identifiable information. The district must maintain a record of the training provided, including the person or persons providing the training, the dates of the training, who attended, and the subjects covered.

Parental Access to Educational Records

A district must permit a parent to inspect and review educational records directly relating to the parent's child that is collected, maintained or used by the district, and must:

1. Provide a parent, upon request, a list of types and locations of records collected, maintained or used by the district.
2. Respond to any reasonable request of a parent for explanation and interpretation of a record.
3. Provide a parent with a copy of a record upon request if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records.

4. Permit a representative of the parent to inspect and review records.
5. Comply with a request to inspect, review, or obtain a copy of a record within a reasonable period not to exceed 10 business days, and, in any case, before the parent is to participate in any meeting or hearing relating to the child or his or her identification, evaluation, placement, or program.

A district may assume that a parent has authority to inspect and review a record relating to his child unless the district has been provided reasonable grounds to believe that the parent does not have authority to do so under state law governing such matters as guardianship, separation, or divorce. Under the regulations for FERPA, the rights of parents regarding educational records are transferred to the student at age 18.

> **Note**: Blank test protocols are not personally identifiable and are not considered an educational record. If a district maintains a copy of the child's protocol that contains personally identifiable information, it would constitute an educational record and the parent would have a right to see the protocol and receive an explanation/interpretation.

Destruction of Information

A district shall maintain records until no longer needed to provide educational services, but not fewer than five years. Written records about individual children are confidential and should be shredded or burned under supervision of the staff member responsible for the records.

If personally identifiable information collected, maintained or used is no longer needed by the district, that information should be destroyed. The district shall make reasonable efforts to notify the parent and offer the parent a copy of the record to be destroyed. A reasonable effort would be a letter sent to the last known address of the parent that indicates the district's intent to destroy special education records (see Appendix E for a sample Letter of Intent to Destroy Special Education Records).

The notice sent to the parents must describe the personally identifiable information that the district intends to destroy and shall inform the parents that the information will be destroyed no earlier than 45 days from the date of the notice. The notice shall also outline the procedure that the parents may follow if they wish to formally object to the destruction of the information (see Appendix E for Prior Written Notice form). When informing parents of their rights, the district should remind them that the records might be needed by the child or parent for Social Security benefits or other purposes in the future.

If a record containing personally identifiable information is not needed by the district to provide education services to a child with a disability, the district shall inform the parent and offer the parent a copy of the record. The district shall destroy the record upon request of the parent. However, the following information related to the child must be maintained indefinitely by districts:

1. Name, address, and telephone number
2. grades
3. grade level completed
4. attendance record
5. classes attended
6. year the child completed school program.

Parental Request for Amendment of Records

A parent who believes that information collected, maintained, or used by a district in a record relating to his or her child is inaccurate, misleading, or in violation of the privacy or other rights of the child may request that the district amend the records.

The district must, within a reasonable period of time not to exceed 45 days of receipt of the request, decide whether to amend the record. If the district refuses to amend the record, it shall inform the parent of the refusal and advise the parent of the right to a hearing conducted according to procedures contained in the Family Educational Rights and Privacy Act (FERPA). These procedures state:

1. The educational agency or institution shall hold the hearing within a reasonable time after it has received the request for the hearing from the parent or eligible student.
2. The educational agency or institution shall give the parent or eligible child notice of the date, time, and place, reasonably in advance of the hearing.
3. The hearing may be conducted by any individual, including an official of the educational agency or institution, who does not have a direct interest in the outcome of the hearing.
4. The educational agency or institution shall give the parent or eligible student a full and fair opportunity to present evidence relevant to the issues. The parent or eligible child may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.
5. The educational agency or institution shall make its decision in writing within a reasonable period of time after the hearing.
6. The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

If a parent requests a hearing and the district determines that the information is not inaccurate, misleading, or in violation of the privacy or other rights of the child, the district must inform the parent that he or she may place a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the district. A copy of the decision of the district must accompany the parent's statement. Any statement placed with a record must accompany the record as long as the record or contested portion is maintained by the district. If the record or contested portion is disclosed by the district to any person, the statement must also be disclosed.

Fees

A fee may be charged for copies of records that are made for parents if the fee does not prevent the parents from exercising their right to inspect and review those records. A fee may not be charged to search for or retrieve information.

Parental Consent for Release of Records

A district must obtain written consent of a parent before disclosing personally identifiable information relating to his or her child that is collected, maintained, or used by the district to any person other than:

1. A school employee, including contract service providers, who has a legitimate educational interest.
2. Employees of a school in which the child is to enroll upon condition that the parent be notified of the disclosure, offered a copy of the record, and notified of his or her right to request amendment of the record.
3. A representative of the federal comptroller general, United States Department of Education, or Alaska Department of Education & Early Development.

Parental consent must be obtained before personally identifiable information is used for any purpose other than meeting requirements under this part. An educational agency or institution subject to Part 99 of FERPA may not release information from education records to participating agencies without parental consent unless authorized to do so under Part 99. If a parent refuses to consent to the release of a record, the district may initiate a hearing (see Appendix E for a sample Authorization for Release of Confidential Information form).

Definitions of Terms Related to Confidentiality of Information

Disclosure means the release, transfer, or other communication of educational records, or the personally identifiable information contained in those records, to any party, by any means, including oral, written, or electronic.

Personally Identifiable means that information includes:

1. The name of the child, the child's parents, or other family member.
2. The address of the child.

3. A personal identifier, such as the child's social security number or student number.
4. A list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

Destruction means the physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

Education Records means personally identifying information including, but not limited to:

1. Academic work completed.
2. Level of achievement.
3. Attendance data.
4. Scores and protocols of standardized intelligence, aptitude, and psychological tests.
5. Interest inventory results.
6. Health data.
7. Family background information.
8. Teacher or counselor rating.
9. Observations and verified reports of serious or recurrent behavior patterns.

Participating Agency means an agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under the IDEA 97.

PART VIII

PERSONNEL

Sections

1. Teachers
2. Related Service Providers
3. Preschool Teachers
4. Directors of Special Education
5. Paraeducators
6. Interpreters for the Deaf
7. Personnel Development

SECTION 1. TEACHERS

A person employed as a teacher of a child with a disability must possess a Type A certificate (regular teaching certificate), with an endorsement in some area of education of children with disabilities.

A person other than a teacher of a child with a disability (i.e., a regular classroom teacher or a paraeducator) may assist in providing special education to children with disabilities if the following conditions are met:

1. A teacher with a special education endorsement has the primary responsibility to:
    a. Plan the evaluation of the child.
    b. Plan the child's educational programs, including participating in and signing the child's IEP.
    c. Train and supervise the staff that will be teaching the child.
    d. Review the child's program to determine progress and make adjustments as needed.

and

2. A teacher with special education endorsement reviews and supervises the child's special education program on site at least once a month.

Teachers for Children Who are Visually Impaired or Deaf

A teacher who evaluates or plans educational programs for children who are visually impaired or deaf, or who has responsibility for training staff to teach children who are visually impaired or deaf, must have an endorsement in the education of children with that impairment. A district serving a child who is deaf or visually impaired can comply with this requirement in one of three ways:

a. Hire appropriately endorsed staff to teach the child.
b. Contract with appropriately endorsed staff.
c. Secure the service from the Special Education Service Agency (SESA).

Note: If a regular teacher or paraeducator assists in teaching a child with a disability, it is required that the amount of supervision provided by the itinerant teacher responsible for the child's program be included on the IEP as part of the specific special education and related services to be provided.

SECTION 2. RELATED SERVICE PROVIDERS

Federal law requires that each person employed by a school district providing related services to children with disabilities meets the highest requirement in the state. *Highest requirement* means the highest entry-level academic degree needed for any state-approved or recognized certification, licensing, or registration. In Alaska, this means:

Each person employed as a *speech language pathologist* or *school psychologist* must possess:

1. A Type A certificate endorsed in the field of employment;

or

2. A Type C certificate in the field of employment.

Each person employed to provide *occupational therapy, physical therapy, clinical psychology services,* or *audiology* must be licensed.

Provision of Related Services by Other Than a Certified Related Service Provider

A person other than a certified related service provider (i.e., a special education teacher, a regular classroom teacher, or a paraeducator) can assist in providing a related service if the following conditions are met (also see Appendix F for Recommended Guidelines for Related Service Providers):

1. A certified related service provider has the primary responsibility to:
    a. Evaluate the child.
    b. Plan the child's educational programs, including participating in and signing the child's IEP.
    c. Teach or train the staff that will assist in providing the related service to the child.
    d. Review and supervise the child's program to determine progress and make adjustments as needed.
2. A certified related service provider reviews and conducts on-site supervision of the child's related services program at least once each month.
3. The amount of program supervision provided by the related service provider is included on the IEP as part of the specific special education and related services to be provided.

SECTION 3. PRE-SCHOOL TEACHERS

A person employed as a teacher of preschool children with disabilities must possess a Type A teaching certificate with an endorsement in preschool special education or have a Type A teaching certificate with an endorsement in special education, and have completed six semester hours in early childhood special education. The district must maintain documentation for the completed six semester hours (see Appendix F for sample Early Childhood Education Requirements form).

SECTION 4. SPECIAL EDUCATION DIRECTORS

To obtain a director of special education endorsement, an individual must meet state requirements for a Type B certificate listed in 4 AAC 12.030 and possess

1. Three years of satisfactory employment as a teacher or school psychologist in an elementary or secondary program with a Type A or Type C certificate

or

2. A comparable certificate issued in another state.

SECTION 5. PARAEDUCATORS

A district shall provide each person employed as a paraeducator with appropriate training and supervision. Before a paraeducator assists in providing special education or related services, or concurrent with providing those services, the district must provide the paraeducator with a minimum of six hours of annual training in the following areas:

1. The child's or children's disabilities.
2. The content of the IEPs.
3. Instructional and safety procedures.
4. Maintaining confidentiality.

The district must maintain a record of the dates and times of the training, the name and title of the persons providing the training, and the topics covered (see Appendix F for sample Documentation of Training for Paraeducators form.)

SECTION 6. INTERPRETERS FOR THE DEAF

An interpreter for the deaf must be certified by the National Registry of Interpreters for the Deaf (RID). Staff in the state who have been hired as interpreters but who do not have RID certification must be enrolled and progressing in a program that meets the standards developed by the Board of Education and Early Development's Advisory Board for the Deaf and Hard of Hearing.

In those cases in which interpreters with RID certification cannot be hired, the Sign Communication Proficiency Interview (SCPI) will be used to rate interpreters' skill level. On the SCPI, interpreters should rate *Intermediate* within one year of employment, *Intermediate Plus* within two years of employment, *Advanced Plus* within three years of employment, and RID certification within four years of employment.

Staff members from the Alaska State School for the Deaf and Hard of Hearing (ASSDHH) have been trained to interview and rate sign communication proficiency using the SCPI. Contact the ASSDHH for more information or assistance in rating non-certified interpreters.

The Alaska State School for the Deaf and Hard of Hearing
1901 S. Bragaw Street
Anchorage, AK 99508
907/787-3028 (V/TTY)
907/787-3815 (TTY message machine)
907/787-3814 (FAX)

SECTION 7. PERSONNEL DEVELOPMENT

IDEA 97 includes a greater emphasis on ensuring that personnel who work with children with disabilities are prepared to meet their unique needs. Under IDEA 97, each district must have a personnel development plan and provide a program of on-going training for all general and special education administrative and instructional personnel, related services, support personnel, including paraeducators, and, as appropriate, bus drivers and bus aides. The plan must ensure that all personnel working with children with disabilities have the skills and knowledge necessary to meet the needs of those children. To address this requirement, the district should develop a professional development plan based on an assessment of personnel needs in the district. The plan must also include professional development activities that reflect the training priorities established by the department and reflected in its state improvement grant described below. These are developed and revised using data derived from issues addressed through dispute resolution activities, state and federal monitoring activities, feedback from service providers and recipients, and national trends.

The district is required to maintain a record of all staff development activities conducted, including the dates and time of the training, the name and title of the person providing the training, the topics covered, and the names of persons attending

Quality Education in the Last Frontier: Alaska's State Improvement Grant (SIG)

In December, 1999, Alaska submitted an application to the U.S. Department of Education, Office of Special Education Programs (OSEP) for a state improvement grant. The application was approved for funding and resulted in the implementation of the Quality Education in the Last Frontier program; a five-year systems change grant that focuses on increasing the recruitment and retention of special education and related service providers, including paraeducators. The program also focuses on increasing pre-service and in-service professional development opportunities for all education providers. The project will:

1. increase the participation of all students, including students with disabilities, in activities related to Alaska's Quality Schools Initiative and other school reform efforts;
2. support the full participation of parents, families, and community members in activities promoting student achievement;
3. develop and sustain effective partnerships with state agencies that provide services affecting students' educational achievement;
4. develop the infrastructure to recruit, train, and retain education professionals; and
5. develop the infrastructure to recruit, train, and retain paraeducators.

The project advocates for full inclusion of children with disabilities in statewide education reform activities by providing training, resources, and technical assistance to school districts, parents, families, communities, and state agencies. The project is also increasing cooperation among stakeholders and building the capacity of systemic structures currently in place. More than thirty agencies representing parents, school districts, school personnel, Alaska Natives and other under-represented groups, state agencies, institutions of higher education, and private employers have signed partnership agreements that identify specific areas of collaboration. These partnerships enable the project to achieve its goals with a small staff and low administrative overhead. They also ensure that Alaska's systemic capacity continues to grow after the project's completion.

School districts are strongly encouraged to align their professional development plans with those of the state improvement grant. The original project proposal and the 2000-2001 final report are available on the Alaska Special Education CD and website. For more information, please call Judy McAllister at (907) 465-8713.

PART IX

FUNDING

Sections

1. State Public School Foundation Funding
2. Transportation Funding for Special Education
3. Federal Special Education Funding
4. Special Education Funds in Private Schools
5. Special Education Service Agency (SESA)

SECTION 1. STATE PUBLIC SCHOOL FOUNDATION FUNDING

As a component of public school funding, a district is eligible for special needs funding. Special needs funding is based on the funding formula established under AS 14.17. Districts receive a block grant for funding of special education, bilingual, vocational education, and gifted education. Consequently, funding for special education is no longer based solely on the number of children in particular service categories (e.g., resource room, self-contained).

Intensive Funding

In addition to funds a district receives through the block grant, a district may request funding for children with disabilities whose needs are so severe as to require complete modification of their school day. This is referred to as "intensive funding". Children must be enrolled by the last day of the count period in order to be counted for intensive funding for that school year. The district must file with the department a plan that indicates that services will be provided to these students; this plan is included in the district's application for Title VI-B and preschool funds.

Children for whom the district receives intensive funding may receive services in a regular or self-contained classroom if the program being provided for the child is described on the child's IEP and the services are provided by a qualified special education teacher. Any services provided by a regular classroom teacher or paraeducator must be under the daily supervision of a qualified special education teacher.

Criteria for Intensive Funding

A child with a disability may be counted for intensive funding if the child's individualized educational program meets **ALL** of the following criteria:

1. Provision of multiple services including related services. This means that in addition to special education, the child must also be receiving at least one related service involving instruction (in addition to special transportation).
2. Direct daily instruction by a teacher endorsed in special education.
3. Services supervised by at least one certified special education teacher or related service provider. This means that the educational program, as described in the IEP, when not directly provided by a teacher endorsed in special education or a related service provider, is supervised by such a teacher or service provider.
4. The need for continuous special education programming. This means the child needs specially designed instruction for the entire school day.
5. Assistance and training for self-help, daily living, or adaptive skills. (i.e., eating, toilet training, dressing, bathing, independent living skills).
6. The need for a paraeducator or other supplemental support. This means that the child must be under direct special education care at all times. For example, if a teacher serves three intensive

children, a paraeducator, peer tutor, or other designated assistant must be with the child when the teacher is not directly serving the child.

7. The need for daily special transportation. This means that the child requires direct care and/or supervision during the time the child is being transported. The transportation requirement does not apply in the case of a child who has received daily special transportation for at least a year and no longer needs it.

> **Note**: A district may seek a department waiver, for one year, from one or more of the requirements listed above if the district needs additional funding for a child whose IEP Team has determined that the child's educational program includes high-cost services that do not meet the intensive funding criteria. The application must be in writing and include:
>
> - A statement of the component or components to be waived and the reason why the waiver is sought
> - The child's IEP
> - Any additional information that the department determines is necessary to address a particular child's needs

Exceptions

For funding purposes, the following situations serve as exceptions to the above criteria and are allowable for intensive funding::

1. A child eligible for special education who is blind or deaf-blind and must read Braille
2. A child who needs and receives full-time services of a deaf education interpreter or tutor
3. A child whose IEP Team determines that out-of-state residential placement is necessary
4. A child who has a disability that prevents the child from attending a regular or special education program even with the aid of special transportation, and the IEP Team's evaluation and the IEP indicate that a home-based or health-care-facility-based instructional program is appropriate to meet the child's needs.

A child may **not** be counted as receiving intensive services if the child is placed in a detention facility, or is receiving home-based instruction solely because of a disciplinary problem.

> **Note:** Districts should exercise caution when counting children for intensive funding. When the department conducts an entitlement review, it may be determined that the program provided for a child does not meet the above criteria. If that is the case, the district will be required to pay back the funds. When determining whether to count a child for intensive funding, the district should carefully consider the specific needs of the child that require the additional funds.

SECTION 2. TRANSPORTATION FUNDING FOR SPECIAL EDUCATION

When transportation is required to be provided as a related service, children with disabilities must be transported with children without disabilities, except when the nature of their physical or mental disability is such that it is in the best interest of the child with disabilities, as provided in the child's IEP, to be transported separately. Eligibility for reimbursement shall not be subject to restriction based on the minimum distance between the school and the residence of the child with disabilities.

Transportation of children with disabilities must be consistent with the following provisions:

1. When a child with a disability must be transported separately, school districts may establish separate special education routes, subject to approval by the commissioner. A school district may establish a separate special education route for a child when the district has determined that it is in the child's best interest to be transported separately, based on the recommendation of the child's IEP Team. These special education routes must meet the following conditions:
    - The route must serve at least five special education children
    - The entire route must be over regularly maintained roads, having at least a gravel surface, which are under the supervision and all-weather maintenance of the Alaska Department of Transportation, a public utility district, a municipality, a borough service area, or any other agency supported by public funds
    - There must also be adequate turnaround space for transportation vehicles on the route
2. For the purposes of state reimbursement, special education routes are not subject to the one and one-half mile restriction that exists for a regular transportation route (if transportation is required in the child's IEP). However, state reimbursement is only available for transportation to and from the child's residences and his or her attendance center or special education attendance center.
3. For the purpose of redistribution of school enrollments between attendance centers, special education routes are not subject to the one and one-half mile restriction for a regular child transportation route.
4. It is recognized that some special education routes may require the assignment of a paraeducator or interpreter for the driver. Subject to approval by the commissioner, fees paid for services of these individuals may be included as part of the reimbursable costs of the routes. For children ages 3-5, an adult must be designated to accompany the driver and provide for pupil safety when more than 6 children are transported in a vehicle.
5. Subject to approval by the commissioner, state reimbursement will be made for less than 5 special education students who require special transportation on an individual basis. This

transportation may be provided by district-owned or contracted vehicles, a public carrier, or by payment to parents in place of student transportation services, whichever is in the best interest of the child.

Note: If a district has an established special education route that a child with a disability could utilize, the district cannot reimburse parents or other transportation providers for transporting the child.

SECTION 3. FEDERAL SPECIAL EDUCATION FUNDING

Excess Cost and Maintenance of Effort

A district may use federal funds only for the excess costs of providing special education and related services for children with disabilities. The *excess cost* requirement means that the district must spend a certain minimum amount for the education of its students with disabilities before federal funds are used. This ensures that children served with federal funds have at least the same average amount spent on them, from sources other than federal funds, as do the students in the school district taken as a whole. If a district can show that it has (on the average) spent the minimum amount for the education of each of its children with disabilities, it has met the excess cost requirement.

A district must use federal funds to supplement and, to the extent practicable, increase the level of state and local funds expended for the education of children with disabilities, but in no case to supplant those state and local funds.

Each district that receives Part B and Section 619 funds must spend, in any particular fiscal year, on either an aggregate or per capita basis, the same amount of state and local funds on special education as it did in the previous fiscal year. There are four allowances given for reduced spending on special education:

1. The voluntary departure, by retirement or otherwise, or departure for just cause, of special education personnel, who are replaced by qualified, lower-salaried staff. The district must ensure that those voluntary retirements or resignations and replacements are in full conformity with
    - Existing district school board policies.
    - The applicable collective bargaining agreement in effect at that time.
    - Applicable state statutes.
2. A decrease in the enrollment of children with disabilities.
3. The termination of the obligation of the agency to provide a program of special education to a particular child with a disability that is in an exceptionally costly program, as determined by the State educational agency, because the child:

- Has left the jurisdiction of the agency,
- Has reached the age at which the obligation to provide FAPE to the student has terminated, or
- No longer needs a special education program.

4. The termination of costly expenditures for long-term purchases, such as the acquisition of equipment.

Consolidated Applications

Districts that submit a Consolidated Application, as members of a consortium, base the non-supplanting requirement on the total expenditures of the consortium. Consequently, as long as the consortium as a whole meets the non-supplanting requirement, the status of each individual member, in terms of whether it meets the requirement, does not affect the consortium's eligibility for receiving Part B funds. However, all consortium members have a joint responsibility to ensure that the consortium meets the non-supplanting requirement in order to receive Part B funds.

The department will review and compare a particular fiscal year's school district financial audit to the previous year's financial audit. The department will also compile a list of consortium members and compare the financial audits as a whole. If the comparison of the financial audits suggest that a school district may be out of compliance, the department will contact the school district for additional information and resolution. If the school district or consortium fails to meet the non-supplanting requirement, they will not receive their Title VI-B funds for that year.

Comparable Services

A district may not use federal funds to provide services to children with disabilities unless the district uses state and local funds to provide services to those children that, taken as a whole, are at least comparable to services provided to other children with disabilities in the district.

Permissive Use of Funds

A district may use federal funds to carry out a school-wide program under section 1114 of the Elementary and Secondary Education Act of 1965, except that the amount so used in any such program may not exceed the amount received by the district under Part B for that fiscal year divided by the number of children with disabilities in the jurisdiction of the district; and multiplied by the number of children with disabilities participating in the school-wide program.

Federal funds may be used for the costs of special education and related services and supplementary aids and services provided in the regular class or other education-related setting to a with a disability in accordance with the IEP, even if one or more nondisabled children benefit from such services.

A district may use up to five percent of federal funds received under Part B for any fiscal year, in combination with other funds, to develop and implement a coordinated service system designed to improve results for children and families, including children with disabilities and their families.

Application for Federal Funds

Federal special education funds are provided to districts through two programs:

1. Part VI-B for children with disabilities ages 6 through 21; and
2. Section 619 - for preschool children with disabilities ages 3 through 5.

To qualify for these funds, a district must annually submit to the department an application that describes the policies, procedures, assurances and goals for providing special education services and related services in compliance with state and federal requirements. The Alaska Special Education Handbook may be adopted by a district to satisfy these requirements. In order to streamline the application process, it is recommended that districts adopt the Handbook with all future revisions. A district may develop its own policies, procedures, assurances, and goals and submit them for departmental approval. Forms that differ from those provided in the Appendices of the Alaska Special Education Handbook must be submitted for departmental approval.

The following are the procedures for applying for federal special education funds:

1. Complete an application provided by the department. An application must be completed for each program for which the district is applying for funding. Applications are due by April 15th each year and must include the following:
    - A budget page that breaks out anticipated expenditures by budget category utilizing the 1996 Edition of the Alaska Department of Education Uniform Chart of Accounts for School Districts.
    - A budget narrative. This requirement applies even if budget items do not differ from the previous year's application. If the new budget item is for personnel, a copy of the job description for the position being funded must be provided.
    - A copy of any contract that will be paid with VI-B or Section 619 funds that exceeds $5,000 in value.
    - Statement of Assurances with original signatures for Title VI-B and Section 619 applications.

2. Provide the department with the following information, if there is a private school in the district:
    - A description of how the district will meet federal requirements for participation of children enrolled in private schools.
    - The number of children enrolled in private schools that have been identified as eligible for special education as disabled.
    - The number of children with disabilities enrolled in private schools that will receive benefits.
    - The basis used to select the children.
    - The manner and extent to which the district consulted with appropriate representatives of children enrolled in private schools during all phases of the development and design of the program, including:
        - ☐ How the child's needs will be identified.
        - ☐ What benefits will be provided.
        - ☐ How the project will be evaluated.

      The district must consult with appropriate representatives of private schools before making any decision that affects the opportunities of children to participate in the program. The district shall give the appropriate representatives a genuine opportunity to express their views regarding each matter subject to the consultation requirements.
    - The places and times that the children will receive benefits under this program.

Districts are now required to use the Online Alaska Student Information System (OASIS) to report student data. Average Daily Membership determinations are now calculated using the OASIS data collection. December 1st enrollment counts are no longer required since OASIS data must be reported for the October count date. Districts must also submit the following information to the department:

1. Information on children with disabilities exiting from special education (Table 4), due July 15.
2. Information on children with disabilities suspended or expelled for drug or weapon offenses (Table 5), due July 15.
3. A quarterly financial report within 30 days after the end of each quarter, and a summary of activities report 30 days after the close of any activity for which financial aid is provided.

Forms for submitting this information to the department may be found in Appendix A and also on the on the department's web page (http://www.eed.state.ak.us/tls/sped/).

Review of Applications

Departmental procedures for reviewing local applications and significant local application amendments include the following:

1. Applications and significant local application amendments will be reviewed by the department. The application must meet all of the federal requirements of a local education application and be in compliance with all state and federal laws and regulations. In addition the district must have completed all corrective actions from any recent compliance monitoring visit before a new application will be approved.
2. The department will notify a district of the action taken on its application. Approval by the department must be received before commencement of activities.
3. If a district's application for federal funds does not meet all the requirements for approval, the department will provide the district with notice and an opportunity for a hearing before the application is disapproved. The district will have 30 days to request a hearing.

The department may request additional information when there are:

1. amendments to the IDEA 97 or Federal regulations
2. new interpretations of either the IDEA 97 or its regulations by Federal or State courts
3. an official finding of noncompliance with Federal or State law or regulations.

In these instances, the department may require the district to modify its application only to the extent necessary to ensure the district's compliance.

SECTION 4. SPECIAL EDUCATION FUNDS IN PRIVATE SCHOOLS

To the extent consistent with their number and location in the State, provision must be made for the participation of private school children with disabilities in programs assisted or carried out under Part B of the IDEA by providing them with special education and related services.

Meeting Funding Requirements

For children aged 3 through 21

Each district must spend, on providing special education and related services to private school children with disabilities, an amount that is the same proportion of the district's total VI-B grant as the number of private school children with disabilities aged 3 through 21 residing in its jurisdiction is to the total number of children with disabilities in its jurisdiction aged 3 - 21.

For children aged 3 through 5

Each district must spend an amount that is the same proportion of the district's total grant under Section 619 as the number of private school children with disabilities aged 3 through 5 residing in its jurisdiction is to the total number of children with disabilities in its jurisdiction aged 3 through 5.

Allowable costs in meeting funding requirements

The cost of the transportation may be included in calculating whether the district has met funding requirements.

Expenditures for child find activities may **not** be considered in determining whether the district has met the spending requirements.

Child Count

Each district shall consult with representatives of private school children in deciding how to conduct the annual count of the number of private school children with disabilities; and ensure that the count is conducted on December 1 of each year.

The child count must be used to determine the amount that the district must spend on providing special education and related services to private school children with disabilities in the next subsequent fiscal year. The adequacy of the district's child find activities for parentally-placed private school children with disabilities will be crucial to determining how many children with disabilities are parentally-placed in private schools, and consequently, the amount of funds that must be spent by the district on special education and related services to parentally-placed private school children with disabilities. For these reasons, districts should consult with representatives of private school children with disabilities on how to conduct child find activities for parentally-placed private school children with disabilities in a manner that is comparable, which would include timing, to child find for public school children with disabilities.

Use of Funds in Private Schools

A district may use federal funds to meet the special education and related service needs of children enrolled in private schools. Funds may not be used for the needs of the school nor for the general needs of children enrolled in the school.

The following requirements pertain to the use of federal special education funds in private schools:

1. The district must keep title to and exercise continuing administrative control of all property, equipment, and supplies acquired through federal funds for the benefit of private school children with disabilities.
2. The district may place equipment and supplies in a private school for as long as they are needed for the student's program.
3. The district must ensure that the equipment and supplies are used only for Part B or Section 619 purposes.
4. The district must ensure that the equipment and property can be removed from the private school without remodeling the facility.

5. The district must remove equipment and supplies from a private school if the equipment and supplies are no longer needed for Part B or Section 619 purposes or if removal is necessary to avoid unauthorized use of the equipment and supplies for other than designated purposes.
6. No federal special education funds may be used for repairs, minor remodeling, or construction of private school facilities.

SECTION 5. SPECIAL EDUCATION SERVICE AGENCY (SESA)

The Special Education Service Agency (SESA) is a public agency that assists districts in serving children with low incidence, severe disabilities. SESA's core service is the Low Incidence Disability Outreach Program. This program employs special education teachers with advanced training and specialized disability experience. SESA is funded primarily through the Alaska Department of Education and Early development, and most SESA services are available at no cost to school districts.

SESA specialists provide technical assistance to help local school district personnel and parents develop and implement an effective education program based on student needs. SESA personnel also support schools in implementing these programs. SESA services are not related services and should not be listed as such on the IEP. However, SESA services may be listed on the IEP as a support service for school personnel.

SESA Services

Types of service available through SESA include:

- Assessments for educational planning
- Sample educational materials
- Modeling and/or teaching other persons how to conduct program(s)
- Evaluation of student progress and recommendations/Monitoring of intervention strategies and IEP development
- Workshops, in-services, and technical assistance (staff, parent, school, district-wide). Generally, in-service workshops are limited to schools also receiving on-site consultations.
- District -wide training
- Student-specific services
- School or district-wide services
- Special project services
- Orientation and mobility training (for eligible children only)

Technical assistance may be student-specific, school-wide, or district-wide, depending on the number of eligible children and SESA resources. Technical assistance consultations may be provided through:

- On-site Visits
- In-service training
- Topical workshops
- Information dissemination (newsletter, World Wide Web, listserve, manuals)

SESA attempts to provide specialists that have expertise in these areas of disability:

- Autism
- Deafness
- Deaf-Blindness
- Hard of Hearing
- Multiple Disabilities
- Severe Mental Retardation
- Orthopedic Impairment
- Other Health Impairment
- Emotional Disturbance
- Traumatic Brain Injury
- Visual Impairment

Eligibility for Ongoing Service

To be eligible for caseload (on-going) service through the Low Incidence Disability Outreach Program, the student's special education needs must be considered low incidence (occur infrequently in the special education population). In addition, the district enrollment of children with similar needs must be too low to warrant a district-employed specialist. The Alaska Legislature and EED expect districts to employ their own disability specialists when enrollments exceed the intent of the Legislature in creating SESA and the Low Incidence Disability Outreach Program.

This does not mean, however, that all SESA services are restricted to districts with very low enrollments of children with a low incidence disability. All districts have access to SESA service options such as the specialized library, the SESA Newsletter, and the SESA web site (http://www.sesa.org). Districts may also request short-term assistance through workshops, program reviews, etc. Such requests will be granted as resources allow.

Districts should understand that assistance provided through SESA's Low Incidence Disability Outreach Program is supplemental to the district's programming. State and federal requirements in the identification, evaluation, planning, and education of children served through the Low Incidence Outreach Program remain the responsibility of the district.

Topics commonly addressed by Low Incidence Outreach specialists include:

- educational planning and placement
- instructional methods and materials
- behavior programs
- assistive technology
- transition planning
- evaluating the effectiveness of instruction.

All consultations are customized to the needs of the eligible student(s) and district staff.

Referral Information

Information regarding Low Incidence Outreach and grant services, eligibility requirements for those services, and application procedures may be found in the packet of SESA information that is given to all district Special Education Directors each fall. Referrals must be made through the district's Special Education Director or by the EED.

Completed referrals are reviewed by SESA specialists to determine the service needs and priorities of the student and the student's school staff. Referrals are assigned to specialists as allowed by existing SESA caseloads and staffing. Children for whom no specialist is available may be placed on a wait list. In such cases, the district is contacted to determine if interim alternative services might be available.

PART X

COMPLIANCE MONITORING

Sections

1. Information Needed Prior to Review
2. Information Needed During Review
3. Maintaining Student Records
4. Continuous Improvement Monitoring Process (CIMP)
5. Student File Review Instrument *
6. Administrative Monitoring Checklist *

*Draft copies of these two instruments will be distributed at the 2001 Special Education Directors' Conference. The final versions will be distributed when revisions are complete.

This Part summarizes the information the department will review when monitoring district special education programs. In addition to on-site monitoring, the department will be providing training and resources to districts to enable them to conduct local self-assessments of their special education programs. This is in conjunction with the U.S. Department of Education; Office of Special Education Programs revised monitoring system that is referred to as the Continuous Improvement Monitoring Process (CIMP). The CIMP will be described in more detail later in this Part.

SECTION 1. INFORMATION NEEDED PRIOR TO REVIEW

Prior to a compliance monitoring review, a district must send the following information to the department **at least 30 days in advance of the review**:

1. An alphabetized list of the special education students served during the current school year grouped by school site and teacher or related service provider (during the on-site visit, attendance records of special education service providers and regular education teachers, if appropriate, will be used to confirm that students on this list are receiving special education services). **Please email this list in an Excel spreadsheet.**

   If the review is conducted prior to the October Child Count date, the district must also send a list of the students served during the previous school year. The purpose of these lists is to confirm the number of students with disabilities receiving special education and related services as well as the number of students claimed for intensive funding.

   The special education student list must include:

   a) student's name, birthdate and grade.

   b) student's social security number.

   c) eligibility category.

   d) the school site where special education services are provided (including home schools, private schools, charter schools, correspondence schools, juvenile detention facilities, adult correctional facilities, or any other appropriate setting.)

   e) special education entry date and exit date.

   f) whether the student was claimed for intensive funding.

   g) the number of in-school suspensions, out-of-school suspensions, expulsions, manifestation determination meetings, and/or referrals to law enforcement experienced by the student.

   h) an indication of whether the student's education program was the subject of a complaint, mediation, and/or due process hearing over the past 5 years.

2. A list of special education teachers, administrators, related service providers and interpreters for the deaf. **Please email this list in an Excel spreadsheet.** The personnel list must include:

   a) names;

   b) positions;
   c) teacher certification numbers (social security numbers).
3. A list of schools within your district with that includes daily time schedules for each school site.
4. A list of private schools, charter schools, correspondence schools, juvenile detention facilities, adult correctional facilities, community transition agencies (for early childhood and secondary transition) in the district. Please include addresses and phone numbers.

SECTION 2. INFORMATION NEEDED DURING REVIEW

Districts will need to provide the following information to department staff during the site review. Please refer to the **Administrative Monitoring Checklist** for specific information pertaining to each of the following categories.

1. The district's policy and procedures manual (unless the district has adopted the Alaska Special Education Handbook, in which case, a statement to that effect).
2. The district's Child Find Plan and related information.
3. The district's Surrogate Parent Plan and related information.
4. Documentation regarding student placement options and processes.
5. The district's procedures related to Independent Education Evaluations and a current list of persons and/or agencies from which they may be obtained..
6. A copy of the district's LD criteria.
7. Copies of Interagency Agreements with:
   a) Juvenile corrections facilities and adult correctional facilities
   b) Correspondence schools
   c) Charter schools
   d) Community mental health providers
   e) Private schools
   f) Local infant learning programs
   g) Head Start programs
   h) Secondary transition agencies, including vocational rehabilitation
8. Documentation that district is following procedural safeguards.
9. Documentation that district is following appropriate confidentiality procedures.
10. Documentation that district is following appropriate personnel procedures.

11. A list of paraeducators who work with students receiving special education services.

12. Discipline procedures and records

SECTION 3. MAINTAINING STUDENT RECORDS

During the monitoring review, a representative sample of student files will be reviewed. The File Review Instrument (located later in this Part) will be used to review and evaluate the selected files. The items listed in this instrument must be maintained for each special education student. Except for special education attendance, which is maintained by the service provider, these records must be maintained in a single file and be available to the department during monitoring reviews.

Note: Historical data (older than 3 years) should be maintained in separate files or pulled from the main file and put in a confidential envelope. These data must be maintained in a secure, locked filing cabinet.

Attendance

Each special education service provider, including related service providers, must maintain an attendance record for the special education students served. When a paraeducator is assisting in providing services with itinerant supervision, the paraeducator must maintain attendance records. The paraeducator must be trained in taking positive attendance and must be supervised to ensure that these records are accurately maintained. The attendance records must indicate for each year: (1) the date the student enters the program, (2) the daily attendance, and (3) the date the student exits the program. The attendance records are extremely important. The attendance records provide proof that the district is serving the student and therefore documents that the district is eligible for state and federal special education funds.

Positive attendance must be kept. "Positive attendance" means that a record is made when the student is present (versus recording only when a student is absent). The following is a recommended method of maintaining an attendance record:

P = Present

A = Absent

T = Tardy

E = Entry; first day of attendance in class or service

W = Withdrawal; last day of attendance in class or service.

For a student who is provided special education services in the regular classroom, attendance records must be maintained. The following methods are suggested:

1. When the special education teacher and/or related service provider, as specified in the IEP, provides special education services, attendance records are maintained by the special education teacher; or
2. When the regular classroom teacher, as specified in the IEP, provides special education services, attendance records are maintained by the regular classroom teacher. (Training of general education staff on taking positive attendance must occur.) Attendance records must clearly indicate the days special education services are provided.
3. In addition, monthly supervision of the program is required. This must be reflected in the attendance records of the special education teacher.

When a student moves from one district to another, both districts must maintain all the records necessary to document that the student was appropriately served. A district shall maintain records until no longer needed to provide educational services, but not less than five years.

SECTION 4. CONTINUOUS IMPROVEMENT MONITORING PROCESS (CIMP)

The U.S. Department of Education, Office of Special Education Programs (OSEP) has revised its federal monitoring practices. OSEP now requires each state to conduct a self-assessment of its implementation of IDEA 97 and submit a summary report. This is a data-driven process that focuses on improved results for children with disabilities. The report is based on the work of cluster teams of stakeholders who review relevant data to determine the level of compliance/non-compliance with state and federal special education requirements. Strategies for addressing identified compliance issues are also included. It is expected that Alaska will be required to submit its CIMP report in December, 2002. For more information, please refer to the special education website.

APPENDIX A

MISCELLANEOUS FORMS

1. Federal Data Forms
   - A. Table 4: Report of Children with Disabilities Exiting Special Education
     - Table 4: Directions
   - B. Table 5: Report of Children with .Disabilities Removed for Drug or Weapon Offenses
     - Table 5: Directions
2. Federal Grant Application Forms
   - A. Part VI-B
     - VI-B Grant Application and Instructions
     - General Information Sheet
     - VI-B Application Checklist
     - Private Schools - Preschools and K-12
     - Assurances
     - Budget and Narrative Forms
     - Funding Memo
   - B. Section 619
     - Section 619 Grant Application and Instructions
     - General Information
     - Section 619 Application Checklist
     - Private Schools - Preschools and K-12
     - Assurances
     - Budget and Narrative Forms
     - Funding Memo

Table 4

REPORT OF CHILDREN WITH DISABILITIES EXITING SPECIAL EDUCATION

2001-2002 SCHOOL YEAR

Authorization: 20 U.S.C. 1418(a)(1)(A)(v) and 1418(a)(2)

Due Date: 7/15/02

Send Form to:
Erik McCormick
Alaska Dept. of Education & Early Development
Division of Teaching & Learning Support
801 W. 10th St., STE 200
Juneau, AK 99811-0500
Phone: (907) 465-8686
Fax: (907) 465-3396
E-mail: erik_mccormick@eed.state.ak.us
Web address for forms: http://www.eed.state.ak.us/forms/home.html#SPED

General Instructions

Please provide a count of the number of children with disabilities reported under IDEA, Part B who exited special education in 2001-2002. Data are to be provided by age, disability category, basis of exit, **and race/ethnicity.** All data provided must sum, as an unduplicated count, to Section B of the table where you report the total for all disabilities. **The age of the student should reflect his/her age in years on the date of the child count, not at time of exit.**

Specific Instructions

Sections A-C

In these tables, enter an unduplicated count of all children with disabilities, by age category and disability, who exited special education during the 2001-2002 year. Our reporting year for 2001-2002 includes 7/1/01 through 6/30/02.

Place zeros in categories where no children have exited the program.

Row A. **No longer receives special education**. Total who were served in special education during the previous reporting year but at some time that 12-month period, returned to regular education as a result of having met the objectives of their IEP. These are students who no longer have an IEP and are receiving all of their educational services from a general education program.

Row B. **Graduated with regular high school diploma**. Total who exited an educational program through receipt of a high school diploma identical to that for which students without disabilities are eligible.

Row C. **Received a certificate.** Total who exited an educational program and received a certificate of completion, modified diploma, or some similar document.

Row D. **Reached maximum age.** Total who exited special education because of reaching the maximum age for receipt of special education services, including students with disabilities who reached the maximum age and did not receive a diploma.

BEST COPY AVAILABLE

Row E.	**Died.** Total that died.
Row F.	**Moved, known to be continuing.** Total that moved out of the catchment area and are KNOWN to be continuing in another educational program. There need not be evidence that the student is continuing in special education, only that he/she is continuing in a general education program. This row includes transfers and students in residential drug/alcohol rehabilitation centers or correctional facilities.
Row G.	**Moved, not known to be continuing.** Total that moved out of the catchment area and are NOT KNOWN to be continuing in another educational program. This row includes students who have moved out of the catchment area, and there is no evidence (e.g., a record request) to indicate that they have enrolled in another educational program. **The use of this category requires that the LEA verify that the family is no longer at their last known residence.**
Row H.	**Dropped out.** Total who were enrolled at some point in the reporting year, were not enrolled at the end of the reporting year, and did not exit through any of the other bases described. This row includes dropouts, runaways, GED recipients, expulsions, status unknown, and other exiters.
Row I.	**Total.** The sum of rows A through H.

Section A

Report the number of students ages 14-21 that exited special education by age-year, disability condition, and basis of exit.

Section B

Report the total number of students ages 14-21 that exited special education by age-year and basis of exit. These figures must equal the sum of the data reported in Section A.

Section C

Report the total number of students ages 14-21 that exited special education by race/ethnicity and basis of exit. These figures must equal the total data reported in Section B.

In November 1997, OMB announced its decision concerning the revision of Race and Ethnic Standards for Federal Statistics and Administrative Reporting. In that announcement, OMB reported that there would be five racial categories--American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, and White--and one ethnic category--Hispanic or Latino. Additionally, OMB announced that individuals would be allowed to select as many race/ethnicity categories as were applicable. ***Under the new reporting requirements a single, multi-racial category cannot be used.*** *OSEP is currently working with OMB and other offices within the USDOE to develop reasonable categories for capturing aggregated data. OSEP expects to use the new categories in the coming years.*

BEST COPY AVAILABLE

AK DEPARTMENT OF EDUCATION & EARLY DEVELOPMENT

PAGE 1 OF 8

TABLE 4

REPORT OF CHILDREN WITH DISABILITIES EXITING
SPECIAL EDUCATION DURING THE 2001-02 School Year

2001-02 School Year

DUE DATE: 7/15/02

DISTRICT: ____________________

Section A

	DISABILITY/AGE																			
	MENTAL RETARDATION										HEARING IMPAIRMENTS									
BASIS OF EXIT:	14	15	16	17	18	19	20	21	22+	TOTAL	14	15	16	17	18	19	20	21	22+	TOTAL
(A) NO LONGER RECEIVES SPECIAL EDUCATION																				
(B) GRADUATION WITH REGULAR HIGH SCHOOL DIPLOMA																				
(C) RECEIVED A CERTIFICATE																				
(D) REACHED MAXIMUM AGE																				
(E) DIED																				
(F) MOVED, KNOWN TO BE CONTINUING																				
(G) MOVED, NOT KNOWN TO BE CONTINUING																				
(H) DROPPED OUT																				
(I) TOTAL (OF ROWS A-H)																				

AKDEED FORM # 05-99-009

BEST COPY AVAILABLE

TABLE 4 (Continued)

REPORT OF CHILDREN WITH DISABILITIES EXITING
SPECIAL EDUCATION DURING THE 2001-02 School Year

2001-02 School Year

DUE DATE: 7/15/02

DISTRICT: ____________________

Section A (Continued)

	DISABILITY/AGE																			
	SPEECH OR LANGUAGE IMPAIRMENTS										VISUAL IMPAIRMENTS									
BASIS OF EXIT:	14	15	16	17	18	19	20	21	22+	TOTAL	14	15	16	17	18	19	20	21	22+	TOTAL
(A) NO LONGER RECEIVES SPECIAL EDUCATION																				
(B) GRADUATION WITH REGULAR HIGH SCHOOL DIPLOMA																				
(C) RECEIVED A CERTIFICATE																				
(D) REACHED MAXIMUM AGE																				
(E) DIED																				
(F) MOVED, KNOWN TO BE CONTINUING																				
(G) MOVED, NOT KNOWN TO BE CONTINUING																				
(H) DROPPED OUT																				
(I) TOTAL (OF ROWS A-H)																				

BEST COPY AVAILABLE

AK DEPARTMENT OF EDUCATION & EARLY DEVELOPMENT

TABLE 4 (Continued)

REPORT OF CHILDREN WITH DISABILITIES EXITING
SPECIAL EDUCATION DURING THE 2001-02 School Year

2001-02 School Year

DUE DATE: 7/15/02

DISTRICT: ____________________

Section A (Continued)

	DISABILITY/AGE																			
	EMOTIONAL DISTURBANCE										ORTHOPEDIC IMPAIRMENTS									
BASIS OF EXIT:	14	15	16	17	18	19	20	21	22+	TOTAL	14	15	16	17	18	19	20	21	22+	TOTAL
(A) NO LONGER RECEIVES SPECIAL EDUCATION																				
(B) GRADUATION WITH REGULAR HIGH SCHOOL DIPLOMA																				
(C) RECEIVED A CERTIFICATE																				
(D) REACHED MAXIMUM AGE																				
(E) DIED																				
(F) MOVED, KNOWN TO BE CONTINUING																				
(G) MOVED, NOT KNOWN TO BE CONTINUING																				
(H) DROPPED OUT																				
(I) TOTAL (OF ROWS A-H)																				

AKDEED FORM # 05-99-009

BEST COPY AVAILABLE

TABLE 4 (Continued)

REPORT OF CHILDREN WITH DISABILITIES EXITING
SPECIAL EDUCATION DURING THE 2001-02 School Year

2001-02 School Year

DUE DATE: 7/15/02

DISTRICT: ____________________

Section A (Continued)

	DISABILITY/AGE																			
	OTHER HEALTH IMPAIRMENTS										SPECIFIC LEARNING DISABILITIES									
BASIS OF EXIT:	14	15	16	17	18	19	20	21	22+	TOTAL	14	15	16	17	18	19	20	21	22+	TOTAL
(A) NO LONGER RECEIVES SPECIAL EDUCATION																				
(B) GRADUATION WITH REGULAR HIGH SCHOOL DIPLOMA																				
(C) RECEIVED A CERTIFICATE																				
(D) REACHED MAXIMUM AGE																				
(E) DIED																				
(F) MOVED, KNOWN TO BE CONTINUING																				
(G) MOVED, NOT KNOWN TO BE CONTINUING																				
(H) DROPPED OUT																				
(I) TOTAL (OF ROWS A-H)																				

TABLE 4 (Continued)

REPORT OF CHILDREN WITH DISABILITIES EXITING
SPECIAL EDUCATION DURING THE 2001-02 School Year

2001-02 School Year

DUE DATE: 7/15/02

DISTRICT: ____________________

Section A (Continued)

	DISABILITY/AGE																			
	DEAF-BLINDNESS										MULTIPLE DISABILITIES									
BASIS OF EXIT:	14	15	16	17	18	19	20	21	22+	TOTAL	14	15	16	17	18	19	20	21	22+	TOTAL
(A) NO LONGER RECEIVES SPECIAL EDUCATION																				
(B) GRADUATION WITH REGULAR HIGH SCHOOL DIPLOMA																				
(C) RECEIVED A CERTIFICATE																				
(D) REACHED MAXIMUM AGE																				
(E) DIED																				
(F) MOVED, KNOWN TO BE CONTINUING																				
(G) MOVED, NOT KNOWN TO BE CONTINUING																				
(H) DROPPED OUT																				
(I) TOTAL (OF ROWS A-H)																				

BEST COPY AVAILABLE

TABLE 4 (Continued)

REPORT OF CHILDREN WITH DISABILITIES EXITING
SPECIAL EDUCATION DURING THE 2001-02 School Year

2001-02 School Year

DUE DATE: 7/15/02

DISTRICT: ____________________

Section A (Continued)

	DISABILITY/AGE																			
	AUTISM										TRAUMATIC BRAIN INJURY									
BASIS OF EXIT:	14	15	16	17	18	19	20	21	22+	TOTAL	14	15	16	17	18	19	20	21	22+	TOTAL
(A) NO LONGER RECEIVES SPECIAL EDUCATION																				
(B) GRADUATION WITH REGULAR HIGH SCHOOL DIPLOMA																				
(C) RECEIVED A CERTIFICATE																				
(D) REACHED MAXIMUM AGE																				
(E) DIED																				
(F) MOVED, KNOWN TO BE CONTINUING																				
(G) MOVED, NOT KNOWN TO BE CONTINUING																				
(H) DROPPED OUT																				
(I) TOTAL (OF ROWS A-H)																				

BEST COPY AVAILABLE

TABLE 4 (Continued)

REPORT OF CHILDREN WITH DISABILITIES EXITING
SPECIAL EDUCATION DURING THE 2001-02 School Year

2001-02 School Year

DUE DATE: 7/15/02

DISTRICT: ____________

Section B

	DISABILITY/AGE									
	ALL DISABILITIES									
BASIS OF EXIT:	14	15	16	17	18	19	20	21	22+	TOTAL
(A) NO LONGER RECEIVES SPECIAL EDUCATION										
(B) GRADUATION WITH REGULAR HIGH SCHOOL DIPLOMA										
(C) RECEIVED A CERTIFICATE										
(D) REACHED MAXIMUM AGE										
(E) DIED										
(F) MOVED, KNOWN TO BE CONTINUING										
(G) MOVED, NOT KNOWN TO BE CONTINUING										
(H) DROPPED OUT										
(I) TOTAL (OF ROWS A-H)										

BEST COPY AVAILABLE

TABLE 4 (Continued)

REPORT OF CHILDREN WITH DISABILITIES EXITING
SPECIAL EDUCATION DURING THE 2001-02 School Year

2001-02 School Year

DUE DATE: 7/15/02

DISTRICT: ____________________

Section C

	NUMBER OF STUDENTS AGES 14-21 EXITING SPECIAL EDUCATION BY RACE/ETHNICITY					
BASIS OF EXIT: RACE/ETHNICITY:	AMERICAN INDIAN OR ALASKA NATIVE	ASIAN OR PACIFIC ISLANDER	BLACK (NOT HISPANIC)	HISPANIC	WHITE	TOTAL
(A) NO LONGER RECEIVES SPECIAL EDUCATION						
(B) GRADUATION WITH REGULAR HIGH SCHOOL DIPLOMA						
(C) RECEIVED A CERTIFICATE						
(D) REACHED MAXIMUM AGE						
(E) DIED						
(F) MOVED, KNOWN TO BE CONTINUING						
(G) MOVED, NOT KNOWN TO BE CONTINUING						
(H) DROPPED OUT						
(I) TOTAL (OF ROWS A-H)						

BEST COPY AVAILABLE

Table 5

REPORT OF CHILDREN WITH DISABILITIES UNILATERALLY REMOVED OR SUSPENDED/EXPELLED FOR MORE THAN 10 DAYS

2001-2002 SCHOOL YEAR

Authorization: 20 U.S.C. 1418(a)(1)(A)(vii)

Due Date: 7/15/02

Send Form to: Erik McCormick
Alaska Dept. of Education & Early Development
Division of Teaching & Learning Support
801 W. 10th St., STE 200
Juneau, AK 99811-0500
Phone: (907) 465-8686
Fax: (907) 465-3396
E-mail: erik_mccormick@eed.state.ak.us
Web address for forms: http://www.educ.state.ak.us/forms/home.html#SPED

General Instructions

1) Counts should cover the entire school year

2) Children should be reported (1) by disability and (2) by race/ethnicity.

3) Include children ages 3-21. Age should be determined as of the child count date of the relevant school year. This school the child count date is Friday, October 26.

Selected Definitions

Interim Alternative Educational Setting – An appropriate setting determined by the child's IEP team in which the child is placed for no more than 45 days. This setting enables the child to continue to progress in the general curriculum; to continue to receive the services and modifications, including those described in the child's current IEP; and to meet the goals set out in the IEP. Setting includes services and modifications to address the problem behavior and to prevent the behavior from recurring.

Unilateral Removal - Instances in which school personnel (not the IEP team) order the removal of children with disabilities from their current educational placement to an appropriate interim alternative educational setting for not more than 45 days. **The IEP team is responsible for determining the interim alternative educational setting. Unilateral removals do NOT include decisions by the IEP team to change a student's placement.**

Drug offenses - The use, possession, sale, or solicitation of drugs as identified in 21 U.S.C. 812; these offenses **do not include use, possession, sale, or solicitation of alcohol or tobacco.**

Dangerous weapon - A weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such a term does not include a pocket knife with a blade of less than 2 1/2 inches in length (18 U.S.C. 930).

BEST COPY AVAILABLE

Removal by a Hearing Officer - Those instances in which an impartial hearing officer orders the removal of children with disabilities from their current educational placement to an appropriate alternative educational setting for not more than 45 days based on the hearing officer's determination that the public agency has demonstrated by substantial evidence that maintaining the child's current placement is substantially likely to result in injury to the child and youth, or others.

Specific Instructions, Section A

In Section A, information is reported by disability category. In columns 1, 2, and 3, Districts *must* report the number of children in each column by disability category.

In column 1A, provide an *unduplicated* count of children ages 3-21 who were unilaterally removed for drug or weapons offenses (as defined above) by school personnel (not the IEP team) from their current educational placement to an interim alternative educational setting (determined by the IEP team).

In column 1B, report the total number of times children ages 3-21 who were unilaterally removed for drug offenses, as defined above. In column 1C, report the total number of times children ages 3-21 were unilaterally removed for weapons offenses, as defined above. **A child may be counted more than once in columns 1B and 1C.**

In column 2, report the total number of times children ages 3-21, who were removed to an interim alternative educational setting based on a hearing officer determination of likely injury. Provide an unduplicated count of children removed by a hearing officer.

In column 3A, provide an *unduplicated* count of children ages 3-21 who were suspended or expelled for more than 10 days during the school year for any offense or combination of offenses. Include only out-of-school suspensions.

In column 3B, report the number of times children ages 3-21 were subject to a single suspension/expulsion of more than 10 days. A child may be counted more than once in column 3B. In column 3C, report the number of children ages 3-21 who were subject to multiple short-term suspensions summing to more than 10 days. A child may be counted only once in column 3C. Include only out-of-school suspensions.

The child counts for columns 1A and 3A are unduplicated within each of those columns. Each child counted in columns 1B and/or 1C should be counted once, and only once, in column 1A. Similarly, each child counted in columns 3B and/or 3C should be counted once, and only once, in column 3A.

Specific Instructions, Section B

The columns found in Section A are repeated in Section B. In Section B, however, data are reported by race/ethnicity categories.

The race/ethnicity categories are defined as follows:

American Indian or Alaska Native	A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
Asian or Pacific Islander	A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This are includes, for example, China, India, Japan, Korea, the Philippine Islands, and Samoa.
Black or African American (Not Hispanic)	A person having origins in any of the Black racial groups of Africa.

Hispanic or Latino	A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
White (Not Hispanic)	A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.
Total	The unduplicated total across the race/ethnicity designations.

Note that children can only be reported in one race/ethnicity category.

Specific Instructions, Sections A and B

-In sections A and B, the number reported in each line of column 1A should be less than or equal to the sum of each line of columns 1B and 1C. The number reported in each line of column 3A should be less than or equal to the sum of each line of columns 3B or 3C. The number reported in each column in line 14 of Section A should equal the number reported in the corresponding column in line 6 of Section B.

BEST COPY AVAILABLE

AK DEPARTMENT OF EDUCATION & EARLY DEVELOPMENT

AKDEED FORM # 05-99-010

TABLE 5

REPORT OF CHILDREN WITH DISABILITIES UNILATERALLY REMOVED TO AN INTERIM ALTERNATIVE EDUCATIONAL SETTING, OR SUSPENDED OR EXPELLED: SCHOOL YEAR 2001-2002

SECTION A

District: ________

Children with Disabilities Ages 3-21	1. Number of Children Removed to an Interim Alternative Educational Setting by School Personnel and Number of Removals for Drugs and Weapons			2. Number of Children Removed to an Interim Alternative Educational Setting Based on a Hearing Officer Determination Regarding Likely Injury	3. Number of Children Suspended or Expelled >10 Days and Number of Suspension/Expulsions[1]		
Disability	A. Unduplicated Count of Children	B. Number of Unilateral Removals by School Personnel for Drugs	C. Number of Unilateral Removals by School Personnel for Weapons	Unduplicated Count of Children	A. Unduplicated Count of Children	B. Number of Single Suspension/Expulsions > 10 Days	C. Number of Children with Multiple Suspension/Expulsions Summing to > 10 days
1. Mental Retardation							
2. Hearing Impairments							
3. Speech/Language Impairments							
4. Visual Impairments							
5. Emotional Disturbance							
6. Orthopedic Impairments							
7. Other Health Impairments							
8. Specific Learning Disabilities							
9. Deaf-Blindness							
10. Multiple Disabilities							
11. Autism							
12. Traumatic Brain Injury							
13. Developmental Delay							
14. Total							

---

[1] Include only out-of-school suspensions.

BEST COPY AVAILABLE

AK DEPARTMENT OF EDUCATION & EARLY DEVELOPMENT

AKDEED FORM # 05-99-010

TABLE 5

REPORT OF CHILDREN WITH DISABILITIES UNILATERALLY REMOVED TO AN INTERIM ALTERNATIVE EDUCATIONAL SETTING, OR SUSPENDED OR EXPELLED: SCHOOL YEAR 2001-2002

SECTION A

District: ____________

Children with Disabilities Ages 3-21	1. Number of Children Removed to an Interim Alternative Educational Setting by School Personnel and Number of Removals for Drugs and Weapons			2. Number of Children Removed to an Interim Alternative Educational Setting Based on a Hearing Officer Determination Regarding Likely Injury	3. Number of Children Suspended or Expelled >10 Days and Number of Suspension/Expulsions[1]		
Disability	A. Unduplicated Count of Children	B. Number of Unilateral Removals by School Personnel for Drugs	C. Number of Unilateral Removals by School Personnel for Weapons	Unduplicated Count of Children	A. Unduplicated Count of Children	B. Number of Single Suspension/Expulsions > 10 Days	C. Number of Children with Multiple Suspension/Expulsions Summing to > 10 days
1. White, non-Hispanic							
2. Black, non-Hispanic							
3. Hispanic							
4. Asian/Pacific Islander							
5. Native American							
6. Total							

---

[1] Include only out-of-school suspensions.

BEST COPY AVAILABLE

APPLICATION FOR FUNDS UNDER PART B OF IDEA

TITLE VI-B GRANTS

1. Part B of IDEA

To insure special education and related service opportunities for all children with disabilities, federal Part B of IDEA funding is provided to Alaska School Districts through the Alaska Department of Education & Early Development. These funds, when awarded, may not reduce present district income allocated for special education from state foundation funding.

Part B of IDEA funds are allocated to state-supported school districts to provide free appropriate educational opportunities for children with disabilities in a setting judged to be in the least restrictive environment. State and local funds already available to the school district on behalf of these children must be spent first. Part B of IDEA funds are to be used to supplement state and local efforts and must not be used to take their place (supplant).

2. Use of Part B of IDEA Funds

- Part B of IDEA funds awarded to districts are to be used first for unserved children with disabilities. When all identified children are being served, the district may then use Part B of IDEA funds to supplement state and local effort for additional services required by other children with disabilities. The funds may be used to:

  1. Support child identification, location and evaluation activities.

  2. Meet the full educational opportunities goal, including employing additional personnel and providing in-service training in order to increase the level, intensity and quality of services provided to children with disabilities.

  3. Meet the other requirements in Part B of I.D.E.A.

- Maintenance of Fiscal Effort (Excess Costs)

  A school district is eligible to receive its allocation of funds if it meets the excess cost requirement of Sections 300.184 - 300.185 and the non-supplanting requirements of Sections 300.230 - 300.232.

  Department staff will review school district excess costs and nonsupplanting information from reports submitted to EED School Finance by the district. School districts not meeting these requirements will be contacted by EED Special Education Program Staff.

3. Funding

All city and borough school districts are encouraged to apply for Part B of IDEA funds.

Compliance with Part B of IDEA Title VI-B is required regardless of whether Part B of IDEA funding is received. A district must apply to receive funding.

The calculation of a district's allocation is determined through a formula that reflects a district's base allocation based on its 12/1/98 child count, its total student enrollment, and the number of students living in poverty. The attached memo (dated February 14, 2001) provides more detailed information.

The District must be aware of and comply with LEA eligibility. See attachment Section 613 of the Individuals with Disabilities Education Act Amendments of 1997.

The District must be aware and implement methods for ensuring services. See attachment, 34CFR §300.142.

Please note: IDEA Amendments of 1997 no longer prohibits states from distributing funds to LEA's in amounts less than $7500. As a result of this provision districts are no longer required to join a consortium in order to access federal funds.

4. Application for Part B of IDEA funds

- An application for Part B of IDEA funds must include all of the information required of a Local Education Agency Application as defined in I.D.E.A. Sections 300.220 - 300.244.

- Forms:

  Altered forms will not be accepted by the EED. Grant applicants will be required to re-submit information on approved forms.

  Make certain to identify which forms correspond to a particular application by checking the appropriate box for Title VI-B **or** Section 619 applications.

- Submit a signed and dated Checklist

  The checklist will provide a final review of submittal documents. This form must be signed and dated and received with the application.

- Project Budget and Budget Narrative Detail

  The Project Budget is detailed accounting of the Grant Recipient's request for grant funds. The Project Budget is submitted on the approved budget form which uses the Uniform Chart of Accounts. The Grant Recipient will identify budgeted amounts for each line item identified under the Account Title.

  The Budget Narrative Detail is a complete detailed description of each line item of the budget. This detail should provide clear information about what is being purchased with the funds that are listed. **The Budget Narrative Detail will be rejected and returned to the grant applicant if insufficient information is provided.**

- Private Schools – If there are private schools (pre-school or K through 12) in the district, the following information must be provided when applying for Part B of IDEA funds:
  1. A description of how the district will meet the federal requirements for participation of students enrolled in private schools. (These requirements can be found in the Alaska Special Education Handbook).
  2. The number of students enrolled in private schools who have been identified as eligible for special education.
  3. The number of students enrolled in private schools who will receive benefits.
  4. The basis used to select the students.
  5. The manner and extent to which the district consulted with appropriate representatives of students enrolled in private schools.

     The district shall consult with appropriate representatives of students enrolled in private schools before the district makes any decision that affects the opportunities of those students to participate in the project. The district shall give the appropriate representatives a genuine opportunity to express their views regarding each matter subject to the consultation requirements.

     The district shall consult with appropriate representatives of students enrolled in private schools during all phases of the development and design of the project, including consideration of:
     a. Which children will receive benefits;
     b. How the children's needs will be identified;
     c. What benefits will be provided;
     d. How the benefits will be provided;
     e. How the project will be evaluated.

  6. The places and times that the students will receive benefits.
  7. The differences, if any, between the program benefits the district will provide to public and private school students, and the reasons for the differences.

Important Dates

May, 15th	Application and estimated budget must be received by the EED/TLS Division's Grant Clerk.
July 1st	District Financial Audit Report must be received by the Department
15 days after the end of the school year	Table 2 (Staffing)of the Federal Annual Data Report must be received by the Department)
15 days after the end of the school year	Table 3 (Placement) of the Federal Annual Data Report must be received by the Department
15 days after the end of the school year	Table 4 (Exited Special Education) of the Federal Annual Data Report must be received by the Department
15 days after the end of the school year	Table 5 (Discipline/Expulsion/Suspension) of the Federal Annual Data Report must be received by the Department
December, 15th	Table 1 (Child Count) of the Federal Annual Data Report must be received by the Department

Failure to submit required information by the dates listed above may result in a delay in issuing district grant funds.

GENERAL INFORMATION

District Name	Address
City	State Zip

Name of District Superintendent	
Telephone	
FAX	
EMail Address	

Name of District Special Education Director	
Telephone	
FAX	
Email Address	

Name of District Fiscal Officer [Authorized signatory for Budget Revisions/Record & Report of Local Expenditures (165A)]	
Telephone	
FAX	
Email Address	

Please Note: The above information may change prior to the start of the 2001 School Year. Should changes occur, the district must submit the new information to EED grants administrator prior to Grant Award.

BEST COPY AVAILABLE

Title VI-B

Application Checklist

___ General Information Form

Statement of Assurances, plus Statement of Adoption of Special Education Handbook;
OR submit with the application a copy of the District's Special Education policies and procedures.

Data on participation of Private, Non-Public School Children
OR statement that the district does not have private or non-public school children;

Project Budget form reflecting the 1996 Revised Chart of Account Codes

Budget Narrative Detail (**Provide specific description of budget items**)

___ Job descriptions for all *new* or revised positions to be paid with grant funds
OR statement verifying that no new positions were added;

List of all equipment, exceeding $5000 in value, to be purchased with grant funds
OR statement indicating no single equipment item exceeds $5000 in value;

Copy of any single contract exceeding $5000 in value
OR statement indicating no single contract exceeds $5000 in value;

___ Signed and Dated Checklist

Applicant Signature:________________________ Date:____________________________

EED Use Only

Grant Number: ___________________________ District: ____________________

Checklist Items Received: ☐ yes ☐ no
Assurances are on file: ☐ yes ☐ no
MOE issue resolved: ☐ yes ☐ no ☐ N/A

____

BEST COPY AVAILABLE

PRIVATE SCHOOLS

PRE-SCHOOLS AND K-12 SCHOOLS

A district must provide special education and related services designed to meet the needs of private school children with disabilities residing in the jurisdiction of the district. If there are non-public schools in the district, the following form must be completed.

____ Check if you **do not** have private school(s) in your district.

PRE-SCHOOLS Name and location of private school	# of students eligible for special education	# of students who will receive services
K-12 Name and location of private school	**# of students eligible for special education**	**# of students who will receive services**

Describe how the district will meet the federal requirements for participation of students enrolled in private schools.

PRIVATE PRE-SCHOOLS
PRIVATE K-12 SCHOOLS

BEST COPY AVAILABLE

Describe the basis used to select the students.

PRIVATE PRE-SCHOOLS
PRIVATE K-12 SCHOOLS

Describe the places and times that the students will receive benefits.

PRIVATE PRE-SCHOOLS
PRIVATE K-12 SCHOOLS

Explain the differences, if any, between the program benefits provided to public and private school students, and the reasons for the differences.

BEST COPY AVAILABLE

PRE-SCHOOL Narrative:

K-12 Narrative:

A district must consult with appropriate representatives of students enrolled in private schools before the district makes any decision that affects the opportunities of those students to participate in the project. The district shall give the appropriate representatives a genuine opportunity to express their views regarding each matter subject to the consultation requirements.

Describe the manner and extent to which the district consulted with appropriate representatives of students of private schools during all phases of the development and design of the project, including consideration of:

Which children will receive benefits;
How the children's needs will be identified;
What benefits will be provided;
How the benefits will be provided;
How the project will be evaluated.
(use additional pages as necessary)

PRE-SCHOOL Narrative:

K-12 Narrative:

BEST COPY AVAILABLE

Check One
Title VI-B ☐
Section 619 ☐

PART B OF THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT, AS AMENDED BY THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1997

Assurances Regarding Implementation of the Requirements for FY2002

For the purposes of implementing provisions of the Individuals with Disabilities Education Act Amendments of 1997 and the corresponding regulations, the local education agency, _____________________________________, assures that throughout the period of the grant award, all schools within the district will comply with all the requirements of Parts A and B of the IDEA, as amended by the IDEA Amendments of 1997, and the corresponding regulations including, (1) all of the policies and procedures that were approved as part of the district's most recent approved policies and procedures (i.e., 1999 Special Education Handbook) that are not inconsistent with the IDEA Amendments of 1997 and the corresponding regulations; and (2) all of the eligibility requirements of Section 613 of the Act, as amended. The district must provide the Alaska Department of Education & Early Development with copies of the policies and procedures that implement IDEA 97 (or, if adopting the Alaska Special Education Handbook, a statement to that effect) to ensure that it meets each of the eligibility requirements in Section 613 of the Act.

____
Typed Name and Title of Authorized District Official Who Has Authority to Make All Assurances Above

____
Signature Date

Check One

______ We have adopted the Alaska Special Education Handbook.

______ We have not adopted the Alaska Special Education Handbook. District policies and procedures are attached.

BEST COPY AVAILABLE

Project Budget

Grant Number: ____________________

Program Title: ____________________

Grant Recipient: ____________________

Check One

Titte VI-B ☐

Title 619 ☐

UNIFORM CHART of ACCOUNTS		Account Title	Budget Amount		
Required	*Optional*		*Initial/Current Budget*	*Revisions (+ or -)*	*Approved Budget*
310		**CERTIFICATED SALARIES**			
	314	Director/Coordinator/Manager			
	315	Teacher			
	316	Extra Duty Pay			
	317	Certificated Substitutes			
	318	Specialists			
320		**NON-CERTIFICATED SALARIES**			
	321	Director/Coordinator/Manager			
	322	Specialists - Non Certificated			
	323	Aides			
	324	Support Staff			
	329	Substitutes/Temporaries			
350		**EMPLOYEE BENEFITS**			
410		**PROFESSIONAL & TECHNICAL**			
420		**STAFF TRAVEL**			
425		**STUDENT TRAVEL**			
430		**UTILITY SERVICES**			
440		**OTHER PURCHASED SERVICES**			
450		**SUPPLIES/MATERIALS/MEDIA**			
	451	Teaching Supplies			
	454	Office Supplies			
490		**OTHER EXPENSES (Dues & Fees)**			
510		**EQUIPMENT (<$5,000 per unit)**			
		UNALLOCATED —>**			
		Subtotal Direct Costs			
		Indirect Rate			
		Indirect Amount			
		Equipment >$5,000 per unit (no indirect charges)			
		TOTAL			

**** UNALLOCATED FUNDS MAY NOT BE ENCUMBERED OR SPENT. A BUDGET REVISION IS REQUIRED.**
A narrative explanation is required for ALL budget revisions.

EED APPROVAL: ____________________

Signature Date

EST COPY AVAILABLE

MEMORANDUM

STATE OF ALASKA
Department of Education & Early Development
Division of Teaching and Learning Support

TO: SPECIAL EDUCATION DIRECTORS

FROM: GREG MALONEY
State Director of Special Education

RE: FEDERAL VI-B & 619 GRANT FORMULAS

DATE: FEBRUARY 14, 2001

Directors:

As you know, VI-B and 619 grant awards were traditionally based on a district's annual enrollments of children with disabilities. Recently, the U.S. Department of Education, Office of Special Education Programs (OSEP) revised the funding process. Now, VI B and 619 grant awards are determined using two categories called the LEA (local education agency) Base Allocation and the LEA Population/Poverty Allocation. The following description and example are provided to help illustrate the changes.

I. LEA BASE ALLOCATION

Each year, OSEP informs states how much federal special education funding they will receive and how much must be granted to districts. A state's total base allocation award is approximately the same as the amount it granted to districts in FY 98. To figure each district's base allocation, a state's total base allocation is divided by its total 12/1/98 child count to obtain a per-pupil amount. This is multiplied by each district's 12/1/98 child count and the total is the district's base allocation. The process is the same for 619 funds, except that the child count for 12/1/96 is used. These particular dates were chosen by OSEP when it revised its funding formula.

II. LEA POPULATION/POVERTY ALLOCATION

OSEP calculates the base allocation amounts for all states and then subtracts the total from the total federal appropriation. The remaining funds are apportioned to states in the following manner:

- 85% is allocated based on a state's total student enrollment; and,
- 15% is allocated based on a state's population of students living in poverty.

OSEP calculates how much money each state must allocate to districts under the Population/Poverty categories. Each state then calculates a per pupil amount, multiplies the figures by each district's respective population/poverty enrollments, and adds these amounts to each district's base allocation. The resulting total is the district's total VI-B allocation.

III. EXAMPLE

A step-by-step example is provided to help demonstrate how the revised formula is applied to determine district grant awards. The figures in the example are hypothetical.

1. **Assume that OSEP provides Alaska with these funds** :

Total Base Allocation	$9,185,518
Total Population/Poverty Allocation	$2,502,222
Population allocation	$2,126,889

(85% of the Population/Poverty Allocation)

Poverty allocation (15% of the Population/Poverty Allocation)	$ 375,333

2. **Assume these were the total student enrollment figures for AK:**

12/1/98 AK special education enrollment:	17,705
Total AK student enrollment	132,299
AK Poverty count (5-17)	25,377

3. **The following calculations would then be made by the department:**

Per Pupil Base Allocation (Base Allocation / 12-1-98 count of 17, 705)	$ 518.809
Per Pupil Population Allocation (Population Allocation / Total Enrollment)	$ 16.076
Per pupil amount based on poverty count (Poverty Allocation / Poverty Count)	$ 14.790

4. **Suppose that a hypothetical district reported the following enrollments:**

12/1/98 Special Education Enrollment	97
Total Student Enrollment	769
Poverty Count (5-17)	141

5. **This district's allocation would be calculated as follows:**

Base Allocation	(97 x $518.809)	**$ 50,324**
Population Allocation	(769 x $16.076)	**$ 12,362**
Poverty Allocation	(141 x $14.79)	**$ 2,085**
Total VI B Allocation		**$ 64,771**

I hope this helps clarify the changes in the funding process. For more information, please contact Linda Soristo, grants administrator, at 465-8698 or e-mail: linda_soristo@eed.state.ak.us). Thank you.

BEST COPY AVAILABLE

APPLICATION FOR FUNDS UNDER SECTION 619 OF IDEA

Section 619 Preschool Disabled Grant

1. Section 619 of IDEA

To insure special education and related service opportunities for all children with disabilities, federal Section 619 funding is provided to Alaska School Districts through the Alaska Department of Education & Early Development. These funds, when awarded, may not reduce present district income allocated for special education from state foundation funding.

Section 619 funds are allocated to state-supported school districts to provide free appropriate educational opportunities for children with disabilities in a setting judged to be in the least restrictive environment. State and local funds already available to the school district on behalf of these children must be spent first. Section 619 funds are to be used to supplement state and local efforts and must not be used to take their place (supplant).

2. Use of Section 619 Funds

- Section 619 funds awarded to districts are to be used first for unserved children with disabilities. When all identified children are being served, the district may then use Section 619 funds to supplement state and local effort for additional services required by other children with disabilities. The funds may be used to:

  1. Support child identification, location and evaluation activities.

  2. Meet the full educational opportunities goal, including employing additional personnel and providing in-service training in order to increase the level, intensity and quality of services provided to children with disabilities.

  3. Meet the other requirements in Part B of I.D.E.A.

- Maintenance of Fiscal Effort (Excess Costs)

  A school district is eligible to receive its allocation of funds if it meets the excess cost requirement of Sections 300.184 - 300.185 and the nonsupplanting requirements of Sections 300.230 - 300.232.

  Department staff will review school district excess costs and non-supplanting information from reports submitted to EED School Finance by the district. School districts not meeting these requirements will be contacted by EED Special Education Program Staff.

3. Funding

All city and borough school districts are encouraged to apply for Section 619 funds.

Compliance with Part B Section 619 of IDEA, is required regardless of whether Section 619 funding is received. A district must apply to receive funding.

The calculation of a district's allocation is determined through a formula that reflects a district's base allocation based on its 12/1/96 child count, its total student enrollment, and the number of students living in poverty. The attached memo (dated February 14, 2001) provides more detailed information..

The District must be aware of and comply with LEA eligibility. See attachment Section 613 of the Individuals with Disabilities Education Act Amendments of 1997.

The District must be aware and implement methods for ensuring services. See attachment, 34 CFR §300.142.

Please note: IDEA Amendments of 1997 no longer prohibits states from distributing funds to LEA's in amounts less than $7500. As a result of this provision districts are no longer required to join a consortium in order to access federal funds.

4. Application for Section 619 funds

- An application for Section 619 funds must include all of the information required of a Local Education Agency Application as defined in I.D.E.A. Sections 300.220 - 300.244.

- Forms:
  Altered forms will not be accepted by the EED. Grant applicants will be required to re-submit information on approved forms.

  Make certain to identify which forms correspond to a particular application by checking the appropriate box for Title VI-B **or** Section 619 applications.

- Submit a signed and dated Checklist
  The checklist will provide a final review of submittal documents. This form must be signed and dated and received with the application.

- Project Budget and Budget Narrative Detail
  The Project Budget is detailed accounting of the Grant Recipient's request for grant funds. The Project Budget is submitted on the approved budget form that uses the Uniform Chart of Accounts. The Grant Recipient will identify budgeted amounts for each line item identified under the Account Title.

  The Budget Narrative Detail is a complete detailed description of each line item of the budget. This detail should provide clear information about what is being purchased with the funds that are listed. **The Budget Narrative Detail will be rejected and returned to the grant applicant if insufficient information is provided.**

- Private Schools – If there are private schools (pre-school or K through 12) in the district, the following information must be provided when applying for Section 619 funds:

  1. A description of how the district will meet the federal requirements for participation of students enrolled in private schools. (These requirements can be found in the Alaska Special Education Handbook).
  2. The number of students enrolled in private schools who have been identified as eligible for special education.
  3. The number of students enrolled in private schools who will receive benefits.
  4. The basis used to select the students.
  5. The manner and extent to which the district consulted with appropriate representatives of students enrolled in private schools.

     The district shall consult with appropriate representatives of students enrolled in private schools before the district makes any decision that affects the opportunities of those students to participate in the project. The district shall give the appropriate representatives a genuine opportunity to express their views regarding each matter subject to the consultation requirements.

     The district shall consult with appropriate representatives of students enrolled in private schools during all phases of the development and design of the project, including consideration of:

     a. Which children will receive benefits;
     b. How the children's needs will be identified;
     c. What benefits will be provided;
     d. How the benefits will be provided;
     e. How the project will be evaluated.

BEST COPY AVAILABLE

6. The places and times that the students will receive benefits.

7. The differences, if any, between the program benefits the district will provide to public and private school students, and the reasons for the differences.

Important Dates

May, 15th	Application and estimated budget must be received by the EED/TLS Division's Grant Clerk.
July 1st	District Financial Audit Report must be received by the Department
15 days after the end of the school year	Table 2 (Staffing)of the Federal Annual Data Report must be received by the Department)
15 days after the end of the school year	Table 3 (Placement) of the Federal Annual Data Report must be received by the Department
15 days after the end of the school year	Table 4 (Exited Special Education) of the Federal Annual Data Report must be received by the Department
15 days after the end of the school year	Table 5 (Discipline/Expulsion/Suspension) of the Federal Annual Data Report must be received by the Department
December, 15th	Table 1 (Child Count) of the Federal Annual Data Report must be received by the Department

Failure to submit required information by the dates listed above may result in a delay in issuing district grant funds.

BEST COPY AVAILABLE

GENERAL INFORMATION

District Name	Address
City	State Zip

Name of District Superintendent	
Telephone	
FAX	
EMail Address	

Name of District Special Education Director	
Telephone	
FAX	
Email Address	

Name of District Fiscal Officer [Authorized signatory for Budget Revisions/Record & Report of Local Expenditures (165A)]	
Telephone	
FAX	
Email Address	

BEST COPY AVAILABLE

Sec. 619, Pre-School Disabled

Application Checklist

___ General Information Form

Statement of Assurances, plus Statement of Adoption of Special Education Handbook;
OR submit with the application a copy of the District's Special Education policies and procedures.

Data on participation of Private, Non-Public School Children
OR a statement that the district does not have private or non-public school children;

Project Budget form reflecting the 1996 Revised Chart of Account Codes

Budget Narrative Detail (**Provide specific description of budget items**)

___ Job descriptions for all *new* or revised positions to be paid with grant funds
OR a statement verifying that no new positions were added;

List of all equipment, exceeding $5000 in value, to be purchased with grant funds
OR a statement indicating no single equipment item exceeds $5000 in value;

Copy of any single contract exceeding $5000 in value
OR a statement indicating no single contract exceeds $5000 in value;

___ Signed and Dated Checklist

Applicant Signature:______________________ Date:_________________________

EED Use Only

Grant Number: ________________________ District: ________________

Checklist Items Received:	☐ yes	☐ no	
Assurances are on file:	☐ yes	☐ no	
MOE issue resolved:	☐ yes	☐ no	☐ N/A

____

BEST COPY AVAILABLE

PRIVATE SCHOOLS

PRE-SCHOOLS AND K-12 SCHOOLS

A district must provide special education and related services designed to meet the needs of private school children with disabilities residing in the jurisdiction of the district. If there are non-public schools in the district, the following form must be completed.

____ Check if you **do not** have private school(s) in your district.

PRE-SCHOOLS Name and location of private school	# of students eligible for special education	# of students who will receive services
K-12 Name and location of private school	# of students eligible for special education	# of students who will receive services

Describe how the district will meet the federal requirements for participation of students enrolled in private schools.

PRIVATE PRE-SCHOOLS
PRIVATE K-12 SCHOOLS

BEST COPY AVAILABLE

Describe the basis used to select the students.

PRIVATE PRE-SCHOOLS
PRIVATE K-12 SCHOOLS

Describe the places and times that the students will receive benefits.

PRIVATE PRE-SCHOOLS
PRIVATE K-12 SCHOOLS

Explain the differences, if any, between the program benefits provided to public and private school students, and the reasons for the differences.

BEST COPY AVAILABLE

PRE-SCHOOL Narrative:

K-12 Narrative:

A district must consult with appropriate representatives of students enrolled in private schools before the district makes any decision that affects the opportunities of those students to participate in the project. The district shall give the appropriate representatives a genuine opportunity to express their views regarding each matter subject to the consultation requirements.

Describe the manner and extent to which the district consulted with appropriate representatives of students of private schools during all phases of the development and design of the project, including consideration of:

Which children will receive benefits;
How the children's needs will be identified;
What benefits will be provided;
How the benefits will be provided;
How the project will be evaluated.
(use additional pages as necessary)

PRE-SCHOOL Narrative:

K-12 Narrative:

BEST COPY AVAILABLE

Check One
Title VI-B ☐
Section 619 ☐

PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT, AS AMENDED BY THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1997

Assurances Regarding Implementation of the Requirements for FY2002

For the purposes of implementing provisions of the Individuals with Disabilities Education Act Amendments of 1997 and the corresponding regulations, the local education agency, ______________________________, assures that throughout the period of the grant award, all schools within the district will comply with all the requirements of Parts A and B of the IDEA, as amended by the IDEA Amendments of 1997, and the corresponding regulations including, (1) all of the policies and procedures that were approved as part of the district's most recent approved policies and procedures (i.e., 1999 Special Education Handbook) that are not inconsistent with the IDEA Amendments of 1997 and the corresponding regulations; and (2) all of the eligibility requirements of Section 613 of the Act, as amended. The district must provide the Alaska Department of Education & Early Development with copies of the policies and procedures that implement IDEA 97 (or, if adopting the Alaska Special Education Handbook, a statement to that effect) to ensure that it meets each of the eligibility requirements in Section 613 of the Act.

____
Typed Name and Title of Authorized District Official Who Has Authority to Make All Assurances Above

____
Signature Date

Check One

______ We have adopted the Alaska Special Education Handbook.

______ We have not adopted the Alaska Special Education Handbook. District policies and procedures are attached.

BEST COPY AVAILABLE

MEMORANDUM

STATE OF ALASKA
Department of Education & Early Development
Division of Teaching and Learning Support

TO: SPECIAL EDUCATION DIRECTORS

FROM: GREG MALONEY
State Director of Special Education

RE: FEDERAL VI-B & 619 GRANT FORMULAS

DATE: FEBRUARY 14, 2001

Directors:

As you know, VI-B and 619 grant awards were traditionally based on a district's annual enrollments of children with disabilities. Recently, the U.S. Department of Education, Office of Special Education Programs (OSEP) revised the funding process. Now, VI B and 619 grant awards are determined using two categories called the LEA (local education agency) Base Allocation and the LEA Population/Poverty Allocation. The following description and example are provided to help illustrate the changes.

I. LEA BASE ALLOCATION

Each year, OSEP informs states how much federal special education funding they will receive and how much must be granted to districts. A state's total base allocation award is approximately the same as the amount it granted to districts in FY 98. To figure each district's base allocation, a state's total base allocation is divided by its total 12/1/98 child count to obtain a per-pupil amount. This is multiplied by each district's 12/1/98 child count and the total is the district's base allocation. The process is the same for 619 funds, except that the child count for 12/1/96 is used. These particular dates were chosen by OSEP when it revised its funding formula.

II. LEA POPULATION/POVERTY ALLOCATION

OSEP calculates the base allocation amounts for all states and then subtracts the total from the total federal appropriation. The remaining funds are apportioned to states in the following manner:

- 85% is allocated based on a state's total student enrollment; and,
- 15% is allocated based on a state's population of students living in poverty.

OSEP calculates how much money each state must allocate to districts under the Population/Poverty categories. Each state then calculates a per pupil amount, multiplies the figures by each district's respective population/poverty enrollments, and adds these amounts to each district's base allocation. The resulting total is the district's total VI-B allocation.

III. EXAMPLE

A step-by-step example is provided to help demonstrate how the revised formula is applied to determine district grant awards. The figures in the example are hypothetical.

1. Assume that OSEP provides Alaska with these funds:

▪ Total Base Allocation	$9,185,518
▪ Total Population/Poverty Allocation	$2,502,222
▪ Population allocation	$2,126,889

BEST COPY AVAILABLE

(85% of the Population/Poverty Allocation)

Poverty allocation (15% of the Population/Poverty Allocation)	$ 375,333

2. **Assume these were the total student enrollment figures for AK:**

12/1/98 AK special education enrollment:	17,705
Total AK student enrollment	132,299
AK Poverty count (5-17)	25,377

3. **The following calculations would then be made by the department:**

Per Pupil Base Allocation (Base Allocation / 12-1-98 count of 17, 705)	$ 518.809
Per Pupil Population Allocation (Population Allocation / Total Enrollment)	$ 16.076
Per pupil amount based on poverty count (Poverty Allocation / Poverty Count)	$ 14.790

4. **Suppose that a hypothetical district reported the following enrollments:**

12/1/98 Special Education Enrollment	97
Total Student Enrollment	769
Poverty Count (5-17)	141

5. **This district's allocation would be calculated as follows:**

Base Allocation	(97 x $518.809)	**$ 50,324**
Population Allocation	(769 x $16.076)	**$ 12,362**
Poverty Allocation	(141 x $14.79)	**$ 2,085**
Total VI B Allocation		**$ 64,771**

I hope this helps clarify the changes in the funding process. For more information, please contact Linda Soristo, grants administrator, at 465-8698 or e-mail: linda_soristo@eed.state.ak.us). Thank you.

BEST COPY AVAILABLE

APPENDIX B

CHILD IDENTIFICATION FORMS

1. Model Child Find Plan
2. Annual Child Find Training Outline
3. Sample List of Community Agencies
4. Sample Child Find Initiative Letter
5. Referral Form

BEST COPY AVAILABLE

MODEL CHILD FIND PLAN

I. Introduction

Federal and state laws and regulations require that ____________________ Public Schools make available a free appropriate public education (FAPE) to all **school age** residents of the district. Some children, with physical, mental or emotional impairments may need special education in order to benefit from the educational program offered by the district.

The procedures in this model plan are provided so that the district staff will take appropriate steps to make certain that any children in need of special services are identified and referred for the development of appropriate programs to meet their educational needs.

The authority for these procedures is found in state law and through adoption of these procedures by the Superintendent. These procedures are binding on all staff and must be adhered to.

II. Legal Obligations

Federal and State laws require that the school district:

> "... have in effect policies and procedures to ensure that all children residing in the State, including children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services are identified, located and evaluated, and a practical method is developed and implemented to determine which children are currently receiving needed special education and related services." (34 C.F.R. 300.125)

These requirements apply to children birth through 21 years of age, suspected of having a disability who reside within the district, regardless of the severity of the disability. This includes:

A. Children enrolled in public schools, including charter schools and correspondence programs; private or parochial schools; and educational programs in correctional or youth detention facilities.

B. Highly mobile children with disabilities (such as migrant and homeless children).

C. Children who have been suspended or expelled.

D. Children who are educated in their homes by a parent or legal guardian.

E. Children who are suspected of being a child with a disability and in need of special education, even though they are advancing from grade to grade.

Alaska Statutes that influence Child Find activities are listed below:

14.03.070	School Age	Six years of age before August 15 preceding the beginning of the school year and who is under the age of 20 and has not completed the 12th grade.
14.30.010	Compulsory Attendance	Seven to Sixteen years of age
14.30.180	Purpose	Appropriate public education: three through twenty-one years of age.
14.30.186	Coverage	Provide special education and related services.

III. Overview

In order to fulfill these obligations, the district special education director/coordinator annually supervises the conduct of the following activities:

A. Public Awareness
B. Screening
C. Referrals

In addition to these areas, these procedures include steps to be taken to ensure that each child receives required procedural safeguards to make certain that the child's rights to privacy and education are protected.

IV. Procedures

A. *Public Awareness* (Annual Public Notice)

Each year the District conducts activities for creating public awareness of special education programs, for advising the public of the rights of children, and alerting community residents of the need to identify and serve children birth through twenty one (21). These activities are the responsibility of the Child Find Coordinator and include the following:

1. Establish and maintain communication with staff, organizations, agencies, and individuals to ensure that all activities are carried out in a manner consistent with all state and federal requirements.

2. Annually develop a training schedule to conduct in-service training for staff, organizations, agencies, and individuals to ensure that annual public notice, and screening activities are carried out (see Annual Child Find Training Outline).

3. By November 1 of each year the Child Find Coordinator: (a) develops articles and announcements for the local newspaper or community bulletin and may, (b) arrange for radio messages, and (c) arrange for television appearances or announcements. Messages and announcements include:

    a. The types of disabilities that qualify as a disabling condition.
    b. The educational needs of children with disabilities.
    c. The rights of children with disabilities (FAPE).
    d. The services available to children with disabilities.
    e. Confidentiality protections.
    f. Who to contact (e.g., Child Find Coordinator) and how to get in touch with that person.

4. Alert members of the community who may not easily understand English or who may live in rural or isolated geographic areas, by attending and making presentations at community meetings, business group meetings, church sponsored meetings, and meetings of public employees and officials.

    a. Develop and maintain a current list of agencies that provide services to children with disabilities within the community (see Sample List of Community Agencies in Addendum).
    b. Disseminate Child Find informational of materials to hospitals, clinics, pediatricians, pediatric nurses, and social service professionals involved in family or child services (see Sample Child Find Initiative Letter in this appendix).

5. Develop and revise all Child Find materials.

6. Ensure that all school age children identified through Child Find activities, except those identified through screening, are reviewed by the Child Find Coordinator and referred for appropriate services.

7. Collect, maintain, and report current and accurate data on all Child Find activities.

8. Prepare data to assist in planning for the delivery of services to children and the general improvement of the educational program.

B. *Screening*

1. *Birth through Two*

Screening for children from birth through age two is the responsibility of the Department of Health and Social Services (DHSS). It is the responsibility of the Child Find Coordinator to communicate with local infant learning programs to coordinate screening activities and ensure that services are in place by the child's third birthday.

2. *Three through Five*

Screening is a district-wide activity done in cooperation with parents and non-public school agencies to identify children who may need further evaluation. The result of the screening process is a systematic collection of information for every child screened that helps determine whether there is need for referral and an evaluation. Screening includes general health, vision, hearing, general development, primary language, and culture and daily living skills.

To adequately find preschool-aged children who may be in need of special education services, community outreach becomes especially important to the Child Find process. Special efforts beyond routine annual public notice will be required to reach the parents and caretakers of children below kindergarten age as these children typically are not enrolled in public school programs in most Alaskan communities. It is recommended that these efforts include providing notice of the availability of special education services for children below school age directly to physicians (especially pediatricians and family practitioners), community health aides, public health nurses, community child care programs (including Head Start programs, other preschools, and day care programs), Infant Learning Programs, and any other agencies serving young children or their families. The information provided should include specific steps from the school district special education program for screening.

Preschool screening may take a variety of forms. It may consist of a parent interview and brief observation of the child, from which enough information is gathered about the child to decide whether to proceed with the special education referral process. Special education staff may use the results of a standardized parent questionnaire to determine if the child's performance, as reported by the parent, is significantly below average in any particular developmental area and warrants referral for assessment. Or staff may choose to administer an individual screening tool directly to the child in addition to gathering information from the parent and observing the child informally.

In some communities, "mass screening" has become an efficient means of Child Find and referral. Parents of preschool-aged children are invited to bring their children in for screening on a particular day or days, and children are screened by a team of special education staff and trained paraprofessionals. The team may use a standardized developmental screening tool designed for group screening or they may use several different measures. If decisions about children are to be made on the basis of standard scores from norm-referenced tests, caution must be used when the norm group on which the test was standardized differs in important ways from the cultural or social group of which the child is a member. Many communities in Alaska have chosen to develop their own more locally appropriate decision rules in interpreting screening results.

Children whose screening results are questionable should be given an opportunity for re-screening at a later date. *Screening results should never be substituted for a comprehensive assessment in making diagnostic or placement decisions.*

The screening process for preschool aged children usually requires procedures that are different from those used to screen school-aged children for possible disabilities. For instance, a 3-year-old child may be unable to understand the directions typically given in screening vision or hearing, and special techniques are required. Play audiometry (hearing tests in which children are taught to respond to sounds not by raising their hands, but by making a playful response) may be necessary to obtain accurate hearing results with young children. Modified Snellen charts, in which children identify objects rather than letters or the direction in which E is pointing, are usually most appropriate with this age group.

General developmental screening is typically needed to adequately address all important aspects of a preschool child's functioning. "Readiness" tests or tests that screen children only on the basis of "pre-academic" skills are not appropriate for developmental screening of preschool children. In choosing a screening tool or tools, as with all types of evaluation procedures, we must make sure that the material or procedure is appropriate for the ages of the children to be screened, that it covers the developmental areas to be screened, and that the tool is reliable and valid. Another factor to consider in choosing a tool is the type of training required to teach people to administer it accurately.

3. *Six through Twenty-One*

Screening is a district wide activity to identify children in the general school population who may need further evaluation. The result of the screening process is a systematic collection of information for every child screened that helps determine whether there is a need for a referral for assessment.

Screening includes general health, vision, hearing, general basic skills, primary language and culture and daily living skills in the home and community obtained through parental input. *Screening results should never be substituted for a comprehensive assessment in making diagnostic or placement decisions.*

C. *Referrals*

1. Referrals may come directly from parents or other family members, from friends, private schools or various community agencies. Infant Learning Programs are required to refer eligible children at least 60 days prior to their third birthday. Once a district screens for the appropriateness of the referral the goal is to have an eligible preschooler with disabilities evaluated, IEP written and receiving services on the third birthday. Referrals may also be stimulated by the annual public notice, come from teachers or other school personnel, or come as a result of a screening program.

2. All referrals should be made on a standard referral form (see Referral Form in Addendum).

3. Upon receipt of a referral, the principal or Child Find Coordinator reviews the child's record and consults with the teacher and/or parent. If the child exhibits learning or developmental difficulties, the child will be scheduled for an evaluation.

4 If the child exhibits no learning or developmental difficulties the parents are provided with written notice within five days of the decision not to refer for evaluation.

ANNUAL CHILD FIND TRAINING OUTLINE*

Topics:

Purpose of Child Find Activities

What is a "Child with a Disability"?
- Criteria for Eligibility
- Pre-School Children
- Infants and Toddlers

How are Children Identified?
- Who Can Refer?
- How is a Referral Made?
- School Based Reviews.
- What is Screening?

What Rights do "Children with Disabilities" Have?
- Confidentiality Rights
- Family Education Rights Privacy Act (FERPA)
- Section 504
- State and Federal Safeguards

Presenters:

Director of Special Education
Child Find Coordinator
Principals
Screening Staff (speech, therapist, audiologist, vision specialist)

Materials:

Referral Forms
Copy of Child Find Procedures
State Regulations

* Provided as part of annual district wide in-service.

SAMPLE

LIST OF COMMUNITY AGENCIES

Rotary Club

Chamber of Commerce

PTA

Red Cross

Community Mental Health

Pediatricians

Nurses

Social Workers

Preschools and Nurseries

Local Chapters of:

- Easter Seals
- Speech and Language Pathologists
- Council for Exceptional Children

Private Schools

Universities and College Education Staff

SAMPLE

CHILD FIND INITIATIVES

To: ______________________________

____

____

From: (Special Ed. Director) ______________________________

Re: Child Find ______________________________

Our annual Child Find activities are once again upon us. As we all prepare for school this year, let's take time to make sure we help children get the services they need.

We are asking your organization to inform your members about our efforts to identify and assist children who may need special education this year. If you or your colleagues know of such a child, please let us know by calling:

Phone Number: ______________________________

You can also use the enclosed Referral Form. We are also willing to come and speak to your group at your convenience about our programs and our Child Find activities.

Thank you for your efforts in assisting us to provide education to all of our youngsters. Any information you provide regarding a child will be confidential as required by State and Federal law.

Sincerely,

REFERRAL FORM

Name of Student: ____________________ Date of Referral (mm/dd/yyyy): __________

Age: ____ Birthdate (mm/dd/yyyy): __________ Gender: ____________________

Referred by: ____________________ Grade: ____________________

Site: ____________________ Teacher: ____________________

Parent/Guardian/Surrogate: ____________________ Work Phone: __________

Address: ______________________________ Home Phone: __________
(Street/Box Number)

____
(City, State, Zip)

REASON FOR REFERRAL:

- ☐ 1. Fine Motor Skills
- ☐ 2. Gross Motor Skills
- ☐ 3. Medical
- ☐ 4. Hearing
- ☐ 5. Vision
- ☐ 6. Speech
- ☐ 7. Language
- ☐ 8. Social/Emotional/Behavioral
- ☐ 9. Reading
- ☐ 10. Writing
- ☐ 11. Math
- ☐ 12. Pre-academic School Readiness
- ☐ 13. Other (please describe) ____________________

SUMMARY OF EXISTING INFORMATION:

Prior Special Education Referral Date(s) __________

Prior Evaluations (may include):

☐ Psychological __________ (mm/dd/yyyy) ☐ Educational __________ (mm/dd/yyyy) ☐ Physical/Medical __________ (mm/dd/yyyy)

Days absent: __________ / __________
(This Year) (Last Year)

Days suspended: __________ / __________ **Grades repeated** __________
(This Year) (Last Year)

Linguistic Background:

Primary Language of Student: __________ Primary Language of Home: __________

Screening Information: Vision: __________ (mm/dd/yyyy) Pass/Fail (Circle One) Hearing: __________ (mm/dd/yyyy) Pass/Fail (Circle One)

Medications: ______________________________

Attachments:

☐ Report Card; ☐ Current Work Samples; ☐ Developmental Profile; ☐ Pre-Referral Intervention Strategies

☐ Other ______________________________

BEST COPY AVAILABLE

APPENDIX C

EVALUATION, ELIGIBILITY FORMS

1. Consent for Evaluation Form
2. Authorization to Obtain Information Form
3. Evaluation Summary and Eligibility Report

CONSENT FOR EVALUATION

PURPOSE: A school district is required to obtain parental consent for an initial evaluation or a reevaluation of a child. This form asks your consent for the evaluation activities described below. If you have questions regarding this request, please contact the district's director of special education.

Student's Legal Name: ______________________ Birthdate: ______________________ (mm/dd/yyyy)

To: ______________________ Date: ______________________ (mm/dd/yyyy)

Type of Evaluation: [ ] Initial [ ] Reevaluation [ ] Other ____________

Proposed Actions Include the Following:

[ ] **EDUCATIONAL** (Reading/Writing/Math) To assess the level at which a student is achieving in the areas of reading, mathematics, and written expression; curriculum based assessments and standardized academic achievement tests may be used.	[ ] **BEHAVIORAL, SOCIAL, EMOTIONAL** To assess social/emotional development, school and home behavior; standardized and informal assessments may used.
[ ] **COMMUNICATION** (Speech/Language) To assess how the student verbally communicates and understands language; standardized and informal measures of articulation, language, voice and fluency may be used.	[ ] **ADAPTIVE** To assess the student's independent functioning at home, at school and in the community.
[ ] **FINE MOTOR/GROSS MOTOR** (Circle one) To assess fine motor skills, writing skills, functional motor skills, mobility, and/or positioning for accessing and participating in the school environment and curriculum.	[ ] **HEARING** To document hearing sensitivity and discrimination of speech (e.g., pure tone audiometry, speech discrimination, aided thresholds).
[ ] **VISION** To assess visual acuity.	[ ] **READINESS** To assess pre-academic school readiness skills such as pre-reading, pre-math and other areas as appropriate.
[ ] **COGNITIVE** To assess general aptitude for school-based learning; standardized intelligence tests may be used.	[ ] **OTHER** ______________________ ______________________ ______________________ ______________________ ______________________

I consent to the action(s) checked above. The attached Prior Written Notice explains the action(s) to be taken.

______________________ Parent Signature

______________________ Date (mm/dd/yyyy)

BEST COPY AVAILABLE

AUTHORIZATION TO OBTAIN INFORMATION

Student's Legal Name: ______________________________ Date: __________

School District: ______________________________

I hereby authorize the release of information from the agency/person(s) listed below:

____

____

____

____

____

Check all appropriate:

- ☐ Transcripts
- ☐ Health records
- ☐ Psychological and counseling
- ☐ Special Education records
- ☐ Police Records
- ☐ Other (specify) ______________________________

I understand that the information obtained will be treated in a confidential manner and will not be transmitted to a third party. I also understand that it is my right to request a copy of all information and contest any information I feel is incorrect.

______________________________ ______________________________
Parent/Guardian Signature Address

______________________________ ______________________________
Date

Evaluation Summary and Eligibility Report

Student's Legal Name ______________________ (Last/First /Middle) Date of Meeting ______________________ (mm/dd/yyyy)

______________________ (Site) ______ (Grade) ______________________ (Birth Date mm/dd/yyyy) ______ (Gender)

Evaluation Area	Date of Evaluation	Results
Parent Information and Observations		
Cognitive		
Behavioral/ Social/Emotional		
Adaptive		
Educational		
Communication (Speech/Language)		
Hearing		

Evaluation Summary and Eligibility Report

Student's Legal Name ______________________ (Last/First /Middle)   Date of Meeting ______________________ (mm/dd/yyyy)

Evaluation Summary Area	Date of Evaluation (mm/dd/yyyy)	Results
Vision		
Classroom Observation		
Gross Motor		
Fine Motor		
Developmental/ Medical History		
Pre-Academic School Readiness		
Other (May include, but not limited to: Vocational Interests/ Aptitude, Assistive Technology, Orientation/Mobility)		

Evaluation Summary and Eligibility Report

Student's Legal Name ______________________________ (Last/First /Middle)

Date of Meeting ______________________________ (mm/dd/yyyy)

Complete this section ONLY for students suspected of having a Learning Disability

Relevant behavior noted during the observation and relationship of behavior to academic functioning (Observation attached):

Educationally relevant medical findings:

Severe discrepancy between achievement and ability in the area(s) of:

☐ Written Expression
☐ Oral Expression
☐ Math Reasoning
☐ Math Calculation
☐ Reading Comprehension
☐ Listening Comprehension
☐ Basic Reading

Explanation:

Considerations:

☐ The team considered the effects of environmental, cultural, or economic factors and has determined that they are not the primary reason for the suspected disability.

☐ The team considered the effects of environmental, cultural, or economic factors and has determined that they are the primary reason for the suspected disability. Therefore, this student does not meet the eligibility criteria for learning disability.

☐ Basis for consideration of a learning disability is supported by data listed on pages 1 & 2.

Complete the following for ALL students

☐ Evaluation conducted in primary language or student's other mode of communication.

☐ Evaluation not conducted in primary language or student's other mode of communication.

Explanation: ____

____

☐ The student's educational performance is based on a lack of instruction in reading, math, or limited English proficiency, and therefore the student is not eligible for consideration as a student experiencing a disability.

☐ This student's educational performance is not based on a lack of instruction in reading, math, or limited English proficiency, and therefore the student is eligible for consideration as a student experiencing a disability.

Eligibility Determination

It is the decision of this team that:

1. ☐ Yes ☐ No The student meets state regulatory criteria for having a disability based on the data provided in this document.
2. ☐ Yes ☐ No The student demonstrates an educational need that requires specially designed instruction.

If **No** to either question, then the student is **NOT** eligible for special education.

If **Yes** to both questions, then student **IS** eligible for special education.

The student is eligible for special education and related services in the eligibility category of ____________________.

BEST COPY AVAILABLE

Evaluation Summary and Eligibility Report

Student's Legal Name ______________________ Date of Meeting ______________________
(Last/First /Middle) (mm/dd/yyyy)

Team discussion notes (Attach additional sheets if necessary) ______________________

Educational needs (in priority order)	Recommendations (matched to needs)
1.	1.
2.	2.
3.	3.
4.	4.

Signature Of Participants In This Meeting

Signatures of team, including the parent(s), involved in the individual evaluation whose assessment results are reflected in this compiled report. Members who disagree must attach an explanation of their position.

Title	Signature	[ ] Agree [ ] Disagree
Title	Signature	[ ] Agree [ ] Disagree
Title	Signature	[ ] Agree [ ] Disagree
Title	Signature	[ ] Agree [ ] Disagree
Title	Signature	[ ] Agree [ ] Disagree

APPENDIX D

IEP AND PLACEMENT

1. Instructions for Completing IEP Form
2. IEP Form
3. IEP Amendment Form
4. Written Invitation to IEP Meeting
5. Alternate Assessment Manual
6. Consent for Initial Placement Form
7. Letter to Request Records for a Transfer Student
8. Transfer of Rights Letter
9. Program Exit Form

INSTRUCTIONS FOR COMPLETING IEP FORM

Student's Name	The student's full name.
Student Number	The student's number.
District	The school the student attends.
Site	School or other setting in which student receives services
Grade	The student's grade in school (e.g., first, fifth). Do not use "special education."
Primary Language	The language normally used by the student in the home/learning environment. For individuals with deafness/blindness/no written language, it is the mode of communication normally used, e.g., sign language, Braille, or oral communication.
Age	The age of the student.
Birthdate	The month, day and year the student was born.
Gender	Indicate whether the student is female or male.
IEP Type	Indicate whether it is an initial IEP, interim, or an annual review. The initial IEP is the first IEP a student receives when he or she entered special education.
IEP Meeting Date	The date the IEP meeting is held.
Eligibility Category	The disability area (e.g., Learning Disabled, Emotional Disorder, Deaf) through which the student was certified for special education and related services.
Expiration Date of IEP	The date of the next planned IEP meeting cannot be more than one year from the date of the present IEP meeting.
Eligibility Report Date	Date of most recent eligibility report.
Transfer of Rights Letter	Check box if transfer of rights letter has been sent to the student and his or her parents.
IEP Participants Present	Signatures only indicate the persons present; they do not indicate

	approval of the IEP. Signatures should be obtained before the IEP meeting begins.
Student's Strengths	Describe/list the areas in which the student shows his or her strengths (e.g., academic, behavioral, sports). This is a great place to elicit parent input.
Student and Parent Comments, Needs, Concerns	List information provided by the student and parents regarding concerns and priorities, as well as other relevant information.
Other Agency Comments	Relevant or important comments, concerns, or additional information that do not logically fit in other sections.
Desired Post-School Outcomes for Students ages 14-21	Identify for each area the student's desired outcomes. This information should then be used to help create IEP goals and objectives that support attaining these outcomes.
Present Levels of Educational Performance	Concise written descriptions of the affect of the student's disability on the student's performance in any area of education that is affected. The following guidelines should be followed in developing the present levels of educational performance: • Statements should be written in easy to understand language that is free of educational jargon. • Information must be current. • Statements should reflect the results of the assessment data. Test scores should be accompanied by statements that relate scores to the student's level of functioning. • There should be a direct relation between the present levels of educational performance and the other components of the IEP. If the statement describes a problem with a child's reading, this problem should be addressed under both the goals and objectives or benchmarks and the specific special education and related services to be provided. • Transition must be addressed beginning at age 14, but can be addressed earlier. **Note**: Labels such as mental retardation or deafness may not be used as a substitute for describing functioning levels.
Present Levels of Performance for Secondary Transition Domains	Describe the student's current progress or functioning for each of the secondary transition domains listed, as well as how the information was obtained.

Special Factors	Indicate whether the IEP team found the following to be concerns/needs of the student: • Behavioral interventions • Limited English proficiency • Instruction in Braille and the use of Braille • Communication needs • Assistive Technology needs Indicate that the IEP team reviewed each of the special considerations and determined whether it was a concern to be addressed in the IEP.
Statewide & District Assessments	Indicate how the student will participate in statewide and district assessments, including the Alternate Assessment. List the accommodations that will be needed for the student to participate. Parental consent for collecting products for the Alternate Assessment may also be obtained.
Progress	Progress to be measured in the following ways: objective met; progress made, but objective not met; little or no progress; met, but not maintained. Person responsible should initial with date and notations.
Progress Reports	Pages 4 & 5 may be used as progress reports. If the student is not making sufficient progress, the IEP Team must revise the student's IEP. Reports must be provided at least as often as progress reports are given to parents of students without disabilities. Indicate whether the reports will be provided quarterly, at the trimester, or other time schedule.
Measurable Annual Goals	Goals should focus on addressing the learning problems resulting from the child's disability. They should address the needs summarized in the child's present level of educational performance, including secondary transition needs. The goals are written statements that describe what a child is expected to learn from his or her educational program within the IEP time period, usually one year. The following guidelines should be followed when developing goals: • Goals should be measurable. • Goals should be general statements yet focus on different skill areas. • .Goals should be designed to correct the weaknesses indicated in i

the present levels of educational performance.

- Goals should reflect reasonable expectations for student accomplishments.
- The language of the goals should be easily understood by all members of the IEP committee.

IEP goals should be based on the Alaska State Performance Standards. Indicate which standard the specific goal relates to.

Standard Addressed

Short-Term Objectives/ Benchmarks

Short term objectives or benchmarks are derived from the annual goals but represent smaller, more manageable learning tasks a student must master on the way to achieving the annual goals. At least two objectives or benchmarks should be written for each annual goal. Objectives or benchmarks must be measurable and may include the following three components:

- Objective criteria that enable progress to be monitored and allow for determination of when the objective or benchmark has been accomplished.
- Evaluation procedures to be used. For example, teacher observation, written performance, oral performance, criterion referenced test, parent report, observation, time sample, teacher-made tests.
- Review Dates to determine how often the objective or benchmark will be measured. For example, one to two weeks, one month, six weeks, nine weeks, each semester, annually.

Program Modifications

Describe the program modifications to help the child to:

- Advance appropriately toward meeting his/her annual goals.
- Be involved in the general curriculum.
- Participate with other children (those with disabilities and those without) in extracurricular and other activities.

Supports for School Personnel

List the supports and/or training required for school personnel to help the child to

- Advance appropriately toward meeting his/her annual goals.
- Be involved in the general curriculum.
- Participate with other children (those with disabilities and those without) in extracurricular and other activities.

Indicate if extended school year services are anticipated for the student. The information used to support this need should be noted. If the need for ESY services has not been determined, indicate the date the IEP

Extended School Year	team will meet to consider the need.
Special Education	Identify the areas for which special education services will be provided. If any services will be provided by special education providers who are not certified, then supervision by a certified special education provider must be listed.
Related Services	List the areas for which related services will be provided. If any services will be provided by individuals other than a certified related service provider, **supervision** by a certified related services provider must be listed.
Location	The location where the services will be delivered (e.g., the student's regular classroom, resource room).
Projected Start Date	The date the service will begin.
Projected End Date	The date the anticipated service will end. Generally the duration of service date and the expiration date of the IEP are the same. However, the expected duration of one service may be less than the expected duration of another service.
Provider	The title of the person responsible (e.g., speech therapist, aide). Do not name an individual!
Frequency	The amount of time per session, and the frequency (e.g., 30 minutes per day, 5 days per week.) The frequency of on-site program review by each itemized service provided.
Total Hours	List the amount of time per week that the student receives special education, related services, regular education services. Supervision and transportation time should not be included in the total.
Federal Placement Reporting	Determine the category that best describes the student's program and check the appropriate box.
Justification for Placement	A justification for placement must be provided to ensure that the child is placed in the least restrictive environment. An explanation of the extent

to which the student will not be participating with children without disabilities must be provided.

SUPPLEMENTAL IEP FORMS

Statement of Transition Service Needs

For students ages 14-21, or younger if appropriate, provide a statement of the student's transition service needs that focuses on the student's course of study (required, elective, modified, or specially-designed courses).

Statement of Needed Transition Services

For students ages 16-21, or younger if appropriate, list the student's needed services in the areas of

- Instruction
- Related Services
- Community experiences
- Employment
- Related Services
- Adult Living
- Daily Living Skills (when appropriate)
- Functional Vocational Evaluation (when appropriate)

There should be a direct relation between the statement of needed transition services, the present levels of educational performance, and the IEP goals and objectives or benchmarks.

Also, provide documentation of the student's preferences/interests if the student did not attend the IEP meeting. Document the participation of other agency personnel if they did not attend the IEP meeting.

Alternate Assessment Goals and Objectives Pages

These pages should be used for students who are participating in the Alternate Assessment. Separate pages representing the student's grade level and the specific Alternate Performance Standard are available in the Alternate Assessment Manual located in Handbook Appendix D.

IEP Amendment Form

This form can be used for indicating small changes to a current IEP. It may be a useful form to specify goals and objectives in an ESY IEP. It may not be used to extend the review date on an IEP.

INDIVIDUAL EDUCATION PROGRAM (IEP)

Student's Legal Name ______________________ (Last Name/First Name/Middle Name) ______________ (Student Number)

______________ (District) ______________ (Site)

_____ (Grade) _____ (Primary Language of Student) _____ (Age) _____ (Birthdate MM/DD/YY) _____ (Gender) _____ (IEP Type)

IEP Meeting Date: ______________ Eligibility Category: ______________

IEP Expiration Date: ______________ Eligibility Report Date: ______________ (Most Recent Date)

[ ] **Transfer of Rights Letter has been sent** ***(At least one year before turning 18, student must be informed of his/her rights).***

Signature Of Participants In Attendance At IEP Meeting *

Parent ______________	Special Ed. Teacher ______________
Parent ______________	Regular Ed. Teacher ______________
Student ______________	District Representative ______________
Title/Signature	Title/Signature
Title/Signature	Title/Signature

* Signature indicates attendance and does not constitute agreement or disagreement with IEP content.

Student's Strengths:

Student and Parent Comments, Needs or Concerns:

Other Agency Comments:

BEST COPY AVAILABLE

INDIVIDUAL EDUCATION PROGRAM (IEP)

Student's Legal Name ____________________ IEP Date ____________

Desired Post-School Outcomes for Students Ages 14-21 years

A. Employment:
B. Community Participation:
C. Recreation and Leisure:
D. Postsecondary Training and Learning Opportunities:
E. Independent Living:

Present Levels of Educational Performance (Must address all identified needs and each need must correspond to a goal and objective or benchmark).

Student's current functioning (Consider most recent performance on classroom, statewide, and district-wide assessments) and results of most recent evaluations.

Describe how disability affects the student's involvement and progress in the general education curriculum or, for a preschool student, participation in appropriate activities.

Present Levels of Performance for Secondary Transition Domains (For students who are or will turn 16 during school year, or younger if appropriate).

A. Jobs and Job Training Source of Information: ____________

B. Community Participation/Recreation and Leisure Source of Information: ____________

C. Post Secondary Training and Learning Opportunities Source of Information: ____________

D. Independent Living (and if appropriate daily living skills) Source of Information: ____________

E. Related Services Source of Information: ____________

** **Attach appropriate Secondary Transition page(s) for students ages 14-21, or younger if appropriate.**

BEST COPY AVAILABLE

INDIVIDUAL EDUCATION PROGRAM (IEP)

Student's Legal Name ______________________ IEP Date ______________

Statement of Transition Service Needs for Students Ages 14-21 (or younger if appropriate)

School Year	Grade Level	List Courses to be taken each year	Credits Earned

Total number of credits required by district for graduation: ____________ Anticipated month and year of graduation: ____________

BEST COPY AVAILABLE

INDIVIDUAL EDUCATION PROGRAM (IEP)

Student's Legal Name ______________________________ IEP Date ____________

Statement of Needed Transition Services For Ages 16-21 (or younger if appropriate)

Transition Services	Needs & Activities	Agency(s) & Responsibilities	Provider & Payer
Instruction:			
Community Experiences:			
Employment:			
Related Services:			
Adult Living & Post School:			
Daily Living: (If appropriate)			
Functional Vocational Assessment: (If appropriate)			

BEST COPY AVAILABLE

INDIVIDUAL EDUCATION PROGRAM (IEP)

Student's Legal Name ______________________ IEP Date ____________

Agency Collaboration & Responsibilities* for Ages 16-21 (or younger, if appropriate)

School Year	Grade Level	Needed Services	Agency & Contact Person	Who will contact & when	Timeline for delivery of services	Results & Outcomes

*** If any agency identified by the IEP team fails to provide services, the IEP team must reconvene as soon as possible to identify alternate strategies and amend the IEP as necessary. The team should document date of reconvened IEP meeting and results.**

INDIVIDUAL EDUCATION PROGRAM (IEP)

Student's Legal Name ______________________________ IEP Date ____________

Special Factors IEP Team Must Consider:

1. In the case of a student whose behavior impedes his/ her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior.

   [ ] Concern addressed in IEP [ ] Not a concern

2. In the case of a student with limited English proficiency, consider the student's language needs as they relate to the student's IEP.

   [ ] Concern addressed in IEP [ ] Not a concern

3. In the case of a student who is blind or visually impaired, provide instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student.

   [ ] Concern addressed in IEP [ ] Not a concern

4. The communication needs of the student and, in the case of a student who is deaf or hard of hearing, consider the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode.

   [ ] Concern addressed in IEP [ ] Not a concern

5. Whether the student requires assistive technology devices and services.

   [ ] Concern addressed in IEP [ ] Not a concern

Statewide and District Assessments:

The student will:

1. [ ] Participate in statewide and district assessments without accommodations
2. [ ] Participate in statewide and district assessments with the following accommodations (refer to *The Participation Guidelines* booklet for list of accommodations).

1. ______________________ 2. ______________________

3. ______________________ 4. ______________________

5. ______________________ 6. ______________________

Comments:

3. [ ] Participate in the statewide Alternate Assessment for grades 3, 6, 8, & 11 and be assessed in grades 4, 5, 7, & 9 using the following alternative method (s) ______________________

____

*** Consent for release:*** I give my permission for school personnel to create and submit photographs, videotapes, and/or audiotapes of my child (to be used for assessment purposes only and not be distributed or published without my permission) for my child's Alternate Assessment portfolio.

Parent Signature:______________________

INDIVIDUAL EDUCATION PROGRAM (IEP)

Student's Legal Name ______________________ IEP Date: ____________

PROGRESS REPORTS

Pages 3 & 4, with progress appropriately noted, may serve as a Progress Report to parents. Parents of children with disabilities must be notified of progress at least as often as parents of children without disabilities. Progress reports must answer two questions:

1. What is the student's progress toward the annual goal?
2. Is progress sufficient for the student to achieve the annual goal by end of IEP period? *(If not, IEP Team must review and revise IEP goals and objectives/benchmarks)*

Progress reports will be provided each: [ ] Quarter [ ] Trimester [ ] Other ____________

MEASURABLE ANNUAL GOAL:

STANDARD ADDRESSED:

Short Term Instructional Objectives/ Benchmarks (Include objective criteria.)	**Evaluation Procedure & Schedule**	**Progress**	**Progress**	**Progress**	**Progress**
	[ ] Test [ ] Daily [ ] Data [ ] Weekly [ ] Work Samples [ ] Monthly [ ] Quarterly [ ] Grade [ ] Semester [ ] Observation [ ] Other [ ] Other Person(s) Responsible (Including Other Agencies): ____________	Date: Result:	Date: Result:	Date: Result:	Date: Result:
	[ ] Test [ ] Daily [ ] Data [ ] Weekly [ ] Work Samples [ ] Monthly [ ] Quarterly [ ] Grade [ ] Semester [ ] Observation [ ] Other [ ] Other Person(s) Responsible (Including Other Agencies): ____________	Date: Result:	Date: Result:	Date: Result:	Date: Result:

BEST COPY AVAILABLE

INDIVIDUAL EDUCATION PROGRAM (IEP)

Student's Legal Name ______________________ IEP Date: ____________

MEASURABLE ANNUAL GOAL:

STANDARD ADDRESSED:

Short Term Instructional Objectives or Benchmarks (Include objective criteria.)	**Evaluation Procedure & Schedule**	**Progress**	**Progress**	**Progress**	**Progress**
	[ ] Test [ ] Daily [ ] Data [ ] Weekly [ ] Work Samples [ ] Monthly [ ] Quarterly [ ] Grade [ ] Semester [ ] Observation [ ] Other [ ] Other Person(s) Responsible (Including Other Agencies): ____________	Date: Result:	Date: Result:	Date: Result:	Date: Result:
	[ ] Test [ ] Daily [ ] Data [ ] Weekly [ ] Work Samples [ ] Monthly [ ] Quarterly [ ] Grade [ ] Semester [ ] Observation [ ] Other [ ] Other Person(s) Responsible (Including Other Agencies): ____________	Date: Result:	Date: Result:	Date: Result:	Date: Result:
	[ ] Test [ ] Daily [ ] Data [ ] Weekly [ ] Work Samples [ ] Monthly [ ] Quarterly [ ] Grade [ ] Semester [ ] Observation [ ] Other [ ] Other Person(s) Responsible (Including Other Agencies): ____________	Date: Result:	Date: Result:	Date: Result:	Date: Result:

INDIVIDUAL EDUCATION PROGRAM (IEP)

Student's Legal Name ______________________ IEP Date: __________

Program Modifications/Accommodations for Student to:	Supports for School Personnel:
Advance appropriately toward annual goals	What supports/training do school personnel need?
Be involved in and pr ogress in the general curriculum	What supports/training do school personnel need?
Participate in extracurricular and other nonacademic activities	What supports/training do school personnel need?

***Extended School Year*:**

Extended School Year services must be considered for each child with a disability. Justification for the team's decision must be stated below.

[ ] A review of the child's educational program indicates that extended school year services are required.

[ ] A review of the child's educational program indicates that extended school year services are not required.

[ ] The team needs to collect further data before making this determination and will meet again by: __________.
(mm/dd/yy)

Justification: ______________________________

INDIVIDUAL EDUCATION PROGRAM (IEP)

Student's Legal Name ______________________ IEP Date: ____________

Special Education & Related Services

Note: Supervision is required for any service provided by individuals who are not certified in that service area. Do not include supervision or transportation time in the total of special education and related service time received by the student.

Special Education	Location	Projected Start Date	Projected End Date	Provider	Frequency	Time
[ ] Reading						
Supervision						
[ ] Math						
Supervision						
[ ] Writing						
Supervision						
[ ] Speech/Language						
Supervision						
[ ] Social/Behavioral						
Supervision						
[ ] Other ________						
Supervision						
			Special Ed. Hours Per Week			

Related Services	Location	Projected Start Date	Projected End Date	Provider	Frequency	Time
[ ] Speech/Language						
Supervision						
[ ] Physical Therapy						
Supervision						
[ ] Occupational Therapy						
Supervision						
[ ] Counseling						
Supervision						
[ ] Other ________						
Supervision						
[ ] Transportation						
Supervision						
			Related Service Hours Per Week			

BEST COPY AVAILABLE

INDIVIDUAL EDUCATION PROGRAM (IEP)

Student's Legal Name ____________________ IEP Date: ____________

Regular Education Participation	Location	Provider	Frequency	Time
		Total Regular Education Hours Per Week (Regular education + special education service hours should total one school day.)		

FEDERAL REPORTING REQUIREMENT FOR PLACEMENT:

For students age 6 through 21 the student receives* :

- [ ] Special education & related services outside the regular class less than 21 percent of day.
- [ ] Special education & related services outside the regular class at least 21 percent of day and no more than 60 percent of day.
- [ ] Special education & related services outside the regular class more than 60 percent of day.

** Calculate the percentage of time outside the regular classroom by dividing the number of hours of special education & related services by the total number of hours in the school day (special education hours/total hours in school day).*

INDIVIDUAL EDUCATION PROGRAM (IEP)

Student's Legal Name ____________________ IEP Date: ____________

JUSTIFICATION FOR PLACEMENT

Teams must consider the first placement option and, if rejected, explain why. Do the same for each succeeding placement option until the most appropriate is selected. If a child's IEP requires multiple settings, choose the placement option that best describes the child's placement and then describe any variations in the justification box.

Placement	Justification
1. Regular classroom with additional support services supervised by special education personnel. [ ] Selected [ ] Rejected	
2. Regular classroom with direct service from special education personnel [ ] Selected [ ] Rejected	
3. Regular education environment with special education itinerant or resource support. [ ] Selected [ ] Rejected	
4. Regular education environment with self-contained classroom support. [ ] Selected [ ] Rejected	
5. Full-time instruction in a separate day school. [ ] Selected [ ] Rejected	
6. Home or hospital instruction [ ] Selected [ ] Rejected	
7. Institutional services [ ] Selected [ ] Rejected	

IEP AMENDMENT

Student's Legal Name ______________________________ (Last Name/First Name/Middle Name) __________ (Student Number)

Date of this amendment: __________ This plan amends the IEP developed on: __________
Start date of amendment: __________ IEP expiration date: __________
End date of amendment: __________ Eligibility evaluation date: __________

Signature Of Participants In Attendance At IEP Meeting *

Parent ______________________ Special Ed. Teacher ______________________
Parent ______________________ Regular Ed. Teacher ______________________
Student ______________________ District Representative ______________________
______________________ ______________________
Title/Signature Title/Signature

*** Signature does not constitute agreement or disagreement with content of IEP.**

REASON FOR AMENDMENT **(Please Document Any Changes)**

Amended Present Level of Performance [ ] No Change [ ] Changed

Amended Goals/Objectives or Benchmarks [ ] No Change [ ] Changed
Goal:

Objectives or Benchmarks:

Standard:

Amended Placement [ ] No Change [ ] Changed

Justification:

Extended School Year [ ] No Change [ ] Changed

Other

INVITATION TO ATTEND A MEETING

Purpose: This invitation requests your attendance at a meeting to discuss the educational program/needs of your child. You have the opportunity to participate in any meeting regarding the identification, evaluation, educational placement, and provision of a free appropriate public education for your child. If an Individual Education Program Team is convened for this meeting, the *Notice of Procedural Safeguards* is attached.

Student's Legal Name: ______________________ Birthdate: ____________ (mm/dd/yyyy)

To: ______________________ (Parent/Guardian/Surrogate/Student) Date: ____________ (mm/dd/yyyy)

If contact is made by telephone: ____________ (mm/dd/yyyy) ____________ (mm/dd/yyyy) ____________ (mm/dd/yyyy)

PURPOSE OF MEETING

[ ] IEP Development/Review
[ ] Evaluation Planning
[ ] Eligibility Determination
[ ] Secondary Transition Planning
[ ] Consider ESY
[ ] Functional Behavior Assessment
[ ] Develop/Review Behavior Intervention Plan
[ ] Manifestation Determination
[ ] IEP Amendment
[ ] Other ______________________

The meeting has been scheduled for: ______________________ (mm/dd/yyyy) at ____________ (Time)

at the following location ______________________.

If you are unable to attend this meeting please contact:

______________________ (Name of District Personnel) ______________________ (Title) ____________ (Phone)

Meetings addressing IEPs and placement are scheduled at a mutually agreed upon place and time by you and the school district. If you are unable to attend this meeting you may request participation through other means. You or the district may invite any individual to be a member of the IEP team who has knowledge or special expertise about the student.

Those also invited to attend the meeting include (name, role):

______________________ ______________________
______________________ ______________________
______________________ ______________________
______________________ ______________________
______________________ ______________________
______________________ ______________________

[ ] The *Notice of Procedural Safeguards* is attached.

Alaska

Comprehensive System Of Student Assessments (CSSA)

Alternate Assessment

Guide to Collecting Materials For the Student Portfolio

August 2001

BEST COPY AVAILABLE

Alternate Assessment Acknowledgements

The Alaska Department of Education and Early Development acknowledges and sincerely thanks the following for their tireless efforts and commitment to the development of the Alaska Alternate Assessment.

*Wendy Tada, Ph.D, AKEED
Nancy Mathis, AKEED
*Toni Jo Dalman, Juneau School District
*Jan Elkinton, Juneau School District
Linda Griffith, SERRC
*Fran Maiuri, Anchorage School District
Kathy Privratsky, Special Education Service Agency

*The original team of those whose vision is reflected in this document

Table of Contents

Acknowledgements i

Section 1 - Overview Of Alaska's Alternate Assessment 1

Section 2 - Alaska's Standards 3

Section 3 - The Alternate Assessment Process 17

Section 4 - Identifying Objectives and Examples.........22

Section 5 - Scoring...29

Section 6 - Collecting Evidence 33

Section 7 - Preparing to Submit the Portfolio............40

Section 8 - Contacts 43

Appendix - Alternate Assessment IEP Pages 45

SECTION 1

OVERVIEW OF ALASKA'S ALTERNATE ASSESSMENT

Overview

OVERVIEW OF THE ALASKA ALTERNATE ASSESSMENT

The Alaska Alternate Assessment System is:

- An integral component of Alaska's Comprehensive System of Student Assessments (CSSA)
- Consistent with state standards
- An individualized assessment
- A performance-based assessment
- Based on independent and reliable scoring
- Integrated with curriculum and planning
- Designed for students with significant disabilities whose IEP Team determines that the Alternate Assessment is appropriate for the student and confirms that the student's record has data to support the following:
  - The student demonstrates cognitive ability and adaptive skill levels that prevent completion of the standard academic curriculum even with modifications and accommodations.
  - The student requires extensive direct instruction in multiple settings to accomplish the application and transfer of skills.
  - The student is involved in a functional, basic skills education program.
  - The student's inability to complete the standard academic curriculum is not the result of excessive or extended absences, or primarily the result of visual, auditory, or physical disabilities, emotional-behavioral disabilities, specific learning disabilities, or social or cultural and economic differences.

The Alaska Alternate Assessment will emphasize:

- High standards
- Parent involvement
- Functional skills
- Age-appropriate skills
- Natural supports
- Generalization of skills

The Alaska Alternate Assessment focuses on 3 content areas of the CSSA:

- English/Language Arts
- Mathematics
- Skills for a Healthy Life

SECTION 2

ALASKA'S STANDARDS

1. Assessment Schedule of Standards by Grade
2. Standards to be Assessed
3. Examples of Student Demonstrating Proficiency of an Objective

BEST COPY AVAILABLE

STANDARDS TO BE ASSESSED

IN GRADE 3

ENGLISH/LANGUAGE ARTS

Content Standard	Alternate Performance Standard
E/LA A A student should be able to speak and write well for a variety of purposes and audiences.	E/LA-A2 Use verbal and non-verbal communication to convey information, needs, and wants. *[About communicating information, needs, and wants—not about making choices]*
E/LA B A student should be a competent and thoughtful reader, listener, and viewer of literature, technical materials, and a variety of other information.	E/LA-B2 Comprehend meaning from oral language and other forms of communication. *[Understanding what is communicated orally or in other forms of communication such as touch or using objects or symbols]*

MATHEMATICS

Content Standard	Alternate Performance Standard
Math E A student should be able to apply mathematical concepts and processes to situations within and outside of school.	M-E3 Respond to and use patterns. *[May also include numbers, calculations and measurement]*

SKILLS FOR A HEALTHY LIFE

Content Standard	Alternate Performance Standard
SHL B A student should be able to demonstrate responsibility for the student's well being.	SHL-B1 Manage personal needs. *[Caring for self in activities of daily living]*
SHL C A student should understand how well-being is affected by relationships with others.	SHL-C1 Maintain positive interpersonal relationships.

STANDARDS TO BE ASSESSED IN GRADE 6

ENGLISH/LANGUAGE ARTS

Content Standard	Alternate Performance Standard
E/LA A A student should be able to speak and write well for a variety of purposes and audiences.	E/LA-A1 Use functional written communication. *[Includes writing in pictures, words, or symbols]*
E/LA B A student should be a competent and thoughtful reader, listener, and viewer of literature, technical materials, and a variety of other information.	E/LA-B1 Relate and apply what is viewed or read to practical purposes. *[Demonstration of receptive skills-applying what is read or viewed as demonstrated through use of words, pictures, symbols, or objects]*

MATHEMATICS

Content Standard	Alternate Performance Standard
Math E A student should be able to apply mathematical concepts and processes to situations within and outside of school.	M-E3 Respond to and use patterns. *[May also include numbers, calculations and measurement]*

SKILLS FOR A HEALTHY LIFE

Content Standard	Alternate Performance Standard
SHL B A student should be able to demonstrate responsibility for the student's well being.	SHL-B3 Act safely and responsibly.
SHL D A student should be able to contribute to the well-being of families and communities.	SHL-D2 Participate meaningfully in the community. *[Could relate to the school community or to the broader community]*

BEST COPY AVAILABLE

STANDARDS TO BE ASSESSED IN GRADE 8

ENGLISH/LANGUAGE ARTS

Content Standard	Alternate Performance Standard
E/LA A A student should be able to speak and write well for a variety of purposes and audiences.	E/LA-A3 Engage in meaningful conversation. *[Involves turn-taking; must be reciprocal]*
E/LA B A student should be a competent and thoughtful reader, listener, and viewer of literature, technical materials, and a variety of other information.	E/LA-B2 Comprehend meaning from oral language and other forms of communication. *[Understanding what is communicated orally or in other forms of communication such as touch or using objects or symbols]*

MATHEMATICS

Content Standard	Alternate Performance Standard
Math E A student should be able to apply mathematical concepts and processes to situations within and outside of school.	M-E3 Respond to and use patterns. *[May also include numbers, calculations and measurement]*

SKILLS FOR A HEALTHY LIFE

Content Standard	Alternate Performance Standard
SHL B A student should be able to demonstrate responsibility for the student's well being.	SHL-B4 Engage in recreational and leisure activities.
SHL D A student should be able to contribute to the well-being of families and communities.	SHL-D1 Contribute meaningfully at home and in the classroom.

BEST COPY AVAILABLE

STANDARDS TO BE ASSESSED IN GRADE 11

ENGLISH/LANGUAGE ARTS

Content Standard	Alternate Performance Standard
E/LAB A student should be a competent and thoughtful reader, listener, and viewer of literature, technical materials, and a variety of other information.	E/LA-B1 Relate and apply what is viewed or read to practical purposes. *[Demonstration of receptive skills-applying what is read or viewed as demonstrated through use of words, pictures, symbols, or objects]*
E/LA E A student should understand and respect the perspectives of others in order to communicate effectively.	E/LA-E2 Modify communication according to social and cultural norms.

MATHEMATICS

Content Standard	Alternate Performance Standard
Math E A student should be able to apply mathematical concepts and processes to situations within and outside of school.	M-E3 Respond to and use patterns. *[May also include numbers, calculations and measurement]*

SKILLS FOR A HEALTHY LIFE

Content Standard	Alternate Performance Standard
SHL B A student should be able to demonstrate responsibility for the student's well being.	SHL-B2 Make choices and advocate for self and others.
SHL D A student should be able to contribute to the well-being of families and communities.	SHL-D2 Participate meaningfully in the community. *[Could relate to the school community or to the broader community]*

BEST COPY AVAILABLE

Alaska
ALTERNATE ASSESSMENT
ASSESSMENT SCHEDULE BY CONTENT STANDARD BY GRADE

ENGLISH/LANGUAGE ARTS

Content Standard	Alternate Performance Standard	Gr.
E/LA A A student should be able to speak and write well for a variety of purposes and audiences.	E/LA-A1 Use functional written communication. *[Includes writing in pictures, words, or symbols)*	6
	E/LA-A2 Use verbal and non-verbal communication to convey information, needs, and wants. *[About communicating information, needs, and wants—not about making choices]*	3
	E/LA-A3 Engage in meaningful conversation. *[Involves turn-taking; must be reciprocal]*	8
E/LA B A student should be a competent and thoughtful reader, listener, and viewer of literature, technical materials, and a variety of other information.	E/LA-B1 Relate and apply what is viewed or read to practical purposes. *[Demonstration of receptive skills—applying what is read or viewed as demonstrated through use of words, pictures, symbols, or objects]*	6,11
	E/LA-B2 Comprehend meaning from oral language and other forms of communication. *[Understanding what is communicated orally or in other forms of communication such as touch or using objects or symbols]*	3,8
E/LA E A student should understand and respect the perspectives of others in order to communicate effectively.	E/LA-E1 Respond to environmental, social, auditory, or visual cues. *[Responding to cues related to social interaction]*	
	E/LA-E2 Modify communication according to social and cultural norms.	11

MATHEMATICS

Content Standard	Alternate Performance Standard	Gr.
Math E A student should be able to apply mathematical concepts and processes to situations within and outside of school.	M-E1 Respond to and use numbers and calculations.	
	M-E2 Respond to and use measurement.	
	M-E3 Respond to and use patterns. *[May also include numbers, calculations and measurement]*	3,6 8,11

SKILLS FOR A HEALTHY LIFE

Content Standard	Alternate Performance Standard	Gr.
SHL B A student should be able to demonstrate responsibility for the student's well being.	SHL-B1 Manage personal needs. *[Caring for self in activities of daily living]*	3
	SHL-B2 Make choices and advocate for self and others.	11
	SHL-B3 Act safely and responsibly.	6
	SHL-B4 Engage in recreational and leisure activities.	8
SHL C A student should understand how well-being is affected by relationships with others.	SHL-C1 Maintain positive interpersonal relationships.	3
SHL D A student should be able to contribute to the well-being of families and communities.	SHL-D1 Contribute meaningfully at home and in the classroom.	8

Examples of Student Demonstrating Proficiency of an Objective

CONTENT AREA: ENGLISH/LANGUAGE ARTS		
Content Standard	**Alternate Performance Standard**	**Examples**
E/LA A A student should be able to speak and write well for a variety of purposes and audiences.	E/LA-A1 **Use functional written communication.** ***[Includes writing in pictures, words, or symbols]***	• Completes the "personal information" section of a job application (name, address, phone number, social security number) • Writes one word to complete a sentence • Stamps name on school papers • Places letter stickers in correct order to write name • Writes name on a check • Writes simple paragraph about self for resume • Uses Intelli-keys to write a response to a book or story • Makes grocery list by choosing pictures of what he wants • Creates a picture display and copies title for the display • Dictates a story to peer tutor to complete a language arts assignment • Writes to a friend asking the friend to come over on Saturday night • Types titles and adds them to a science display. • Places word cards on a sentence strip to make a sentence about self • Types a story by selecting sight words from a personal word bank
	E/LA-A2 Use verbal and non-verbal communication to convey information, needs, and wants. *[About communicating information, needs and wants—not about making choices]*	• Points to correct answer on a picture display • Presents a cup to teacher to request a drink • Uses sign language to give name when asked in an unfamiliar group • Indicates that he wants to eat by looking at food • Retells a story in own words • Orally presents information on own research project • Uses a picture to indicate that he wants to go to a movie • Signs "help" when unable to zip coat • Uses audiotape (prerecorded by a peer) along with pictures to make a class presentation • Uses voice output device to answer teacher's question • Indicates when the classroom is too stimulating • Calls a taxi and gives correct information • Contributes to classroom discussion by sequencing four words on a voice output device • Vocalizes and gestures to ask peers to push him on the swing

BEST COPY AVAILABLE

CONTENT AREA: ENGLISH/LANGUAGE ARTS		
Content Standard	**Alternate Performance Standard**	**Examples**
	E/LA-A3 Engage in meaningful conversation. *[Involves turn-taking; must be reciprocal]*	• Uses pictures and printed words to order food and a drink and to say "thank you" in response to waiter's questions • Talks to the teacher about a story she has written • Initiates a conversation by presenting an object and waiting for a response • Responds with vocalizations and changes in intonation in a conversation with another person • Uses a picture book to "converse" with a friend about where she went last weekend, taking turns and answering questions • Uses voice output device to answer questions from other students on his presentation • Talks with friends on the playground, taking turns in conversation • Uses voice output device to visit with friends • Tells parents what she did at school that day and answers their questions • Uses voice output device to say "hi," purchase items in a coffee shop and say "thank you" in response to clerk
E/LA B A student should be a competent reader, listener, and viewer of a variety of information.	E/LA-B1 Relate and apply what is viewed or read to practical purposes. *[Demonstration of receptive skills - applying what is read or viewed as demonstrated through the use of words, pictures, symbols or objects]*	• Reads a narrative passage and completes a story map • Matches object labels to labels on storage areas to determine appropriate place to return object • Sees a diaper and moves to the bed to be changed • Smiles or laughs at humorous illustrations in stories • Moves toward activity represented by an object selected from his object calendar • Follows a picture recipe • Reads an informational passage and tells three facts • Uses the yellow WALK and red DON'T WALK signs to determine when it is safe to cross the street • Reads written directions for an activity • Places a catalog order for a new backpack • Selects pictures related to a topic for a display • Recognizes letters in her name and others' names to sort students' papers • Selects appropriate food from a picture menu • Reads or matches P.O. box number to get mail • Illustrates scene or theme from a book he's

CONTENT AREA: ENGLISH/LANGUAGE ARTS		
Content Standard	**Alternate Performance Standard**	**Examples**
		read • Selects a sentence that tells about a picture • Reads a bus schedule to plan which bus to take • Reads tag to find the appropriate clothes size
	E/LA-B2 Comprehend meaning from oral language and other forms of communication. *[Understanding what is communicated orally or in other forms of communication such as touch or using objects as symbols]*	• Answers questions about a story read in class • Moves eyes to look toward person who calls her name • Raises hand when name is called during attendance • Takes phone message • Follows suggestions made by peers while working in a cooperative group • Leans forward to assist in standing up when cued by touch to stand • Follows directions from employer to complete work task • Sits down next to peer who taps him on shoulder and says, "sit here" • Comes to peer who signs, "let's go!" • Follows a three-step oral direction to complete a social studies project • Contributes to a class discussion • Answers questions asked by peers and adults
E/LA E A student should understand and respect the perspectives of others in order to communicate effectively.	E/LA-E1 Respond to environmental, social, auditory, or visual cues. *[Responding to cues related to social interaction]*	• Initiates interactions without interrupting • Uses communication board to express feelings • Relaxes/smiles when gently touched • Increases or decreases volume of vocalizations in relation to classroom noise • Rocks and smiles to the beat of the music • Recognizes intonation of a question and provides a response • Stops activity when requested • Uses recess bell as cue to go back inside the school • Checks to see if there is space before sitting down • Shows emotions related to teacher's tone of voice • Lowers voice after noticing people covering their ears • Comments on others' work or performance • Apologizes after bumping someone with his wheelchair • Waits turn to speak in a class discussion
	E/LA-E2 Modify communication according to social and cultural norms.	• Cheers at ball games, but not in church • Uses appropriate slang when addressing peers • Engages in elbow bashing with teammates • Addresses peers by first names or nicknames

CONTENT AREA: ENGLISH/LANGUAGE ARTS		
Content Standard	**Alternate Performance Standard**	**Examples**
		and addresses adults by proper names • Moderates voice level based on location (gym vs. library) • Extends hand to shake when introduced to a new person • Shows affection for others in a socially acceptable way • Hugs peer after a dance, but not in class

CONTENT AREA: MATHEMATICS		
Content Standard	**Alternate Performance Standard**	**Examples**
Math E A student should be able to apply mathematical concepts and processes to situations within and outside of school.	M-E1 Respond to and use numbers and calculations.	• Uses a calculator to add purchases at a store • Picks up the correct number of requested objects • Rounds up to nearest dollar when making a purchase • Identifies own phone number • Counts out 5 pennies for a nickel • Solves a word problem that requires adding double digits • Counts and packages 12 cookies into a bag • Maintains accurate savings account records using a calculator • Counts out correct change to a customer at the student store • Inserts correct change into vending machine • Counts coins and bills to $10 to buy something • Counts out 5 markers; gives 2 to a friend and states that 3 are left • Counts out appropriate utensils to set the table for 4 people • Uses a calculator to subtract 1 from 10 • Uses phone number, page number, bus number or room number
	M-E2 Respond to and use measurement.	• Reads a graph and tells which group has more • Uses a calendar to mark days completed and record weather and/or special events by using picture symbols • Creates a chart to display the results of a survey • Measures ingredients for baking using a 1 cup measure, tablespoon and teaspoon • Uses a graduated cylinder to measure the correct amount of water for a science experiment • Reads digital time • Visits a grocery store and uses a scale to weigh various quantities of fruit • Uses a clock to follow a schedule by the hour for the day • Arrives on time for appointment

BEST COPY AVAILABLE

CONTENT AREA: ENGLISH/LANGUAGE ARTS

Content Standard	Alternate Performance Standard	Examples
		• Selects the container that has the most cans to recycle • Takes waist measurement and decides on correct pant size to order
	M-E3 Respond to and use patterns. *[May also include numbers and calculations (E1) and measurement (E2)]*	• Matches items or symbols using 1:1 correspondence • Follows a pattern to complete a structure for a model for science class • Sequences a group of pictures or events for a photo album • Follows a musical rhythm when playing instrument in the band • Places forks, knives, and spoons into their respective containers • Indicates correct sequential order of routine daily activities • Weaves yarn according to color pattern • Shops for enough food for several meals • Finds locations on a map • Follows a predetermined pattern to complete a beaded bracelet

CONTENT AREA: SKILLS FOR A HEALTHY LIFE

Content Standard	Alternate Performance Standard	Examples
SHL B A student should be able to demonstrate responsibility for the student's well being.	SHL-B1 **Manage personal needs.** *[Caring for self in activities of daily living]*	• Transfers independently from wheelchair to toilet • Responds to request to "swallow" to control drooling • Takes medication on schedule • Feeds self independently using adapted utensils and cup • Uses public restroom independently • Makes appropriate choices to stay within limits of monthly budget • Brings napkin to mouth to begin wiping • Grasps toothbrush and holds mouth open for brushing teeth • Assists in pulling pants on/off when toileting • Washes hands independently after using the toilet • Directs peer on how to help him push his wheelchair • Cashes an endorsed check at the local bank • Plans a meal using foods from each of the food groups • Puts away books, pencils, and papers in desk at the end of class
	SHL-B2 Make choices and advocate for self and others.	• Gives ideas for her behavior intervention plan • Selects desired toy by looking at it • Points to the picture of desired food at McDonalds • Brings a friend to a "People First" meeting • Sets goals during IEP meeting

CONTENT AREA: ENGLISH/LANGUAGE ARTS		
Content Standard	**Alternate Performance Standard**	**Examples**
		• Selects foods he wants when variety is offered • Takes proper size portions of foods • Tells someone to stop when being bothered • Expresses interests to complete transition plan • Sets goal to save money to take a vacation • Presents at a workshop or meeting • Participates in community gathering for disability rights • Assists others in need of help • Selects radio station and stereo music of own choice • Uses adapted remote control with 4-choice pad to select television program of own choice
	SHL-B3 Act safely and responsibly.	• Presents a written card with personal information when asked at the doctor's office • Stops at the corner and waits for an adult before crossing the street • Wheels self in wheelchair without bumping into people or furniture • Finds way to and from home to school • Recites home phone number and address from memory • Follows a schedule to take vitamins or medications • Looks both ways before crossing the street • Names person in the village to contact for medical attention • Puts trash in waste basket • Distinguishes between prescription and nonprescription drugs • Takes own temperature • States when to call emergency phone numbers • Uses deep breathing to cope when over-stimulated • Learns when to say "no" to keep herself safe • Exits the building appropriately upon hearing the fire alarm
	SHL-B4 Engage in recreational and leisure activities.	• Goes four-wheeling or bicycling with friends • Plays three different card games • Attends after-school socials with peers • Reads the local newspaper • Completes a girl scout troop activity • Swims in community swim program • Participates in aerobics class at the community center • Takes regular walks in the neighborhood • Goes to the movies with two or three friends • Takes care of plants in a garden • Plays computer games with peers • Completes craft projects to give as gifts
SHL C A student should understand how well-being is affected by	SHL-C1 Maintain positive interpersonal relationships.	• Smiles when hears a familiar voice • Remains calm when given critical feedback • Greets peers using a voice output device • Ignores offensive verbal remarks made by others on the playground

BEST COPY AVAILABLE

BEST COPY AVAILABLE

CONTENT AREA: ENGLISH/LANGUAGE ARTS		
Content Standard	**Alternate Performance Standard**	**Examples**
relationships with others		on the playground • Engages in conversation for 10 minutes • Shares materials with others during art activities • Listens during a 5-minute conversation without interrupting • Resolves conflict by talking or seeking assistance from the teacher • Maintains appropriate distance when speaking to an individual • Tells adult playground monitor when bothered by another's behavior • Greets teachers and classmates by name • Makes eye contact and smiles when greeted by friends and family
SHL D A student should be able to contribute to the well-being of families and communities.	SHL-D1 Contribute meaningfully at home and in the classroom.	• Turns off lights using touch sensor switch • Cleans off wheelchair using a cloth mitt • Reminds others of changes in daily schedule • Shares opinion in family or classroom meetings • Cleans the refrigerator in own apartment • Delivers attendance sheets to office • Puts dirty clothes in hamper • Sorts and bundles cans and papers for recycling • Vacuums a room after a project • Hangs up clean towels and washcloths in the bathroom • Makes and packs lunch for school • Loads and unloads clothing into the washing machine and dryer • Takes the lunch cart to the cafeteria • Completes calendar for the class • Leads the class in the pledge of allegiance • Helps others to follow directions • Cleans table after a class project
	SHL-D2 Participate meaningfully in the community. *[Could relate to the school community or to the broader community]*	• Walks in a community parade • Visits local rest home with the church youth group • Pushes wheelchair in walk-a-thon for local charity • Collects tickets for items at church bake sale. • Votes in elections • Sells cookies as part of her girl scout troop activities • Turns fish on racks at fish camp • Sets up chairs for a community meeting • Registers to vote • Cheers at a local basketball game • Volunteers at a childcare center • Works part-time in local grocery store

SECTION 3

THE ALTERNATE ASSESSMENT PROCESS

1. Plan the Alternate Assessment
2. Special Considerations

PLAN THE ASSESSMENT

☐ **ESTABLISH STUDENT'S ELIGIBILITY**

The IEP Team determines the student is eligible for the alternate assessment and begins the Alternate Assessment process.

☐ **IEP TEAM ASSIGNS RESPONSIBILIY**

The Alternate Assessment is an IEP team effort—*not* the sole responsibility of one person. While the special education teacher, student, and parent may be the major contributors, *all* members of the IEP team should be involved in the assessment and understand the process.

- ✓ Overseeing the Alternate Assessment process
- ✓ Facilitating on-going communication among team members
- ✓ Collecting evidence and data
- ✓ Assembling the portfolio
- ✓ Submitting final portfolio to test coordinator

☐ **DEVELOP OBJECTIVES TO BE INCLUDED IN THE ALTERNATE ASSESSMENT (Check the Glossary, Section 5, Page 29, for definitions of terms used in objectives, i.e., physical support, prompting, modeling, etc. When scoring, Glossary terms WILL be used.)**

- ✓ The student, teacher, parent, and other IEP team members, as applicable, develop objectives the student will work toward achieving for the Alternate Assessment.
- ✓ One objective must be identified for each Alternate Performance Standard to be assessed at the student's grade level.
- ✓ The selected objectives will be recorded on the IEP pages specifically developed for each grade level, reflecting the Alternate Performance Standards for that grade level.
- ✓ One objective may not be used to measure more than one Alternate Performance Standard.
- ✓ The student's Present Level of Educational Performance (PLEP) for each selected objective will be recorded with each objective.
- ✓ Remember, the IEP is not limited to only those objectives measured for the Alternate Assessment. Other objectives may be included in the IEP and recorded on standard IEP pages.

☐ **DEVELOP EXAMPLES**

Think of examples of student behavior that can demonstrate the student's proficiency on the selected objective. For the final submission, you will need to submit evidence demonstrating the student's proficiency on at least three examples for each Alternate Performance Standard. Be sure to include a variety of possible activities and settings in which the student can practice and demonstrate the selected objectives.

☐ **DETERMINE POSSIBLE EVALUATION PROCEDURES**

Determine how to demonstrate the student's proficiency on each objective. Think about ways you can collect data to demonstrate the student's growth and progress in achieving the objectives over time. What evidence/data will show that the student has achieved proficiency of each?

COLLECT EVIDENCE

☐ **COLLECT EVIDENCE/DATA ON AN ONGOING BASIS**

Collect evidence on an ongoing basis in a "working portfolio." The evidence/data should reflect daily instruction and should be reviewed periodically for ongoing assessment. Stop collecting evidence/data two weeks prior to submission date.

☐ **SELECT EVIDENCE/DATA TO SUBMIT**

The student, teacher, parent, and other IEP team members, as applicable, select the evidence/data that best demonstrates the student's proficiency in meeting the standards. **Several types of evidence must be submitted.**

PREPARE THE EVIDENCE

☐ **MAKE SURE ALL EVIDENCE SUBMITTED HAS THE REQUIRED INFORMATION**

- ✓ Provide the required information for the evidence submitted. Section 6 details the information that needs to be included for various types of evidence (see pages 32-33).
- ✓ Each piece of evidence should contain the student's first name and a unique identifying number for that piece of evidence.
- ✓ Complete an Evidence Cover Form (Section 7, page36) for each piece of evidence submitted.

☐ **INSERT THE EVIDENCE FOR EACH ALTERNATE PERFORMANCE STANDARD IN THE CORRESPONDING FOLDER**

The expanding portfolio has a file folder for each alternate performance standard to be assessed at the student's grade. If there is material, such as a videotape, that contains evidence for more than one alternate performance standard, note this on the Evidence Cover Form.

☐ **COPY THE ALTERNATE ASSESSMENT IEP PAGES**

- Place copies of all Alternate Assessment IEP goals/objective pages in the corresponding alternate performance standard folders
- Be sure to highlight the examples being used to demonstrate proficiency for each objective
- Highlight evaluation procedure used for each example
- Fill in the evidence number of each piece of evidence that corresponds to each objective. Evidence should be numbered consecutively with evidence #1 being the first piece of evidence submitted for the first objective for the first performance standard folder in the portfolio. Continue numbering consecutively through all performance standards. DO NOT REPEAT EVIDENCE NUMBERS.

SUBMIT THE PORTFOLIO

☐ **COMPLETE THE STUDENT INFORMATION FORM**

This form requires student information that is gathered on all students participating in the statewide assessment. You will receive this form from your district test coordinator.

☐ **MAKE SURE MATERIALS ARE READY FOR SUBMISSION**

Use the *Portfolio Contents Checklist* (Section 7, page 36) to make sure you have all the required materials.

☐ **PLACE ALL MATERIALS IN THE EXPANDING FOLDER**

☐ **GIVE THE COMPLETED PORTFOLIO TO YOUR TEST COORDINATOR NO LATER THAN 2 WEEKS PRIOR TO THE SUBMISSION DATE.**

SPECIAL CONSIDERATIONS

The portfolio belongs to the student.

- Others *collaborate*; their involvement must enhance, not diminish student ownership.
- A portfolio must *not* be authored by or credited to a teacher, peer, parent, or other.
- Teachers, parents, friends, peers, and others play support roles as listeners, responders, scribes, and encouragers.

The assessment must reflect the highest ethics:

☺ **Positive Student Image**

Descriptions of behavior must not portray or create a negative image of the student.

↗ **Challenge Level**

Examples must accurately demonstrate that the student has learned objectives at an appropriately challenging level. Examples and objectives should reflect the goals the student is moving toward during the IEP year—not where the student is now.

☆ **Age-appropriateness**

Activities and evidence gathered to demonstrate a student's proficiency should be activities in which typical students that age would be involved. A student should not be portrayed in activities associated with others much younger or much older.

✚ **Value of Activities**

Activities and tasks for evidencing objectives should have value. Never have a student doing a job that no one else would need or want to do. Jobs should not be those that a student without a disability would not value.

♥ **Respect for Privacy**

The student's privacy must never be violated. Objectives of a personal nature, such as toileting or bathing, may be documented, but not portrayed or described graphically in a submission. Avoid unnecessary use of categorical labels and descriptions of a student's disability.

☹ **No Biasing Information**

No one should provide any information that might introduce a bias in scoring the submission. This might include disabling conditions, intelligence test scores, urban/rural contrasts, cultural differences, home circumstances, and other considerations, either positive or negative.

👓 **Typical Accommodations**

Only accommodations and assistive devices that are typically a part of the student's instruction should be used in collecting evidence for submission.

✦ **Truthfulness**

Any fabrication of student work or performance data is highly unethical. Persons may be referred to the Professional Teaching Practices Commission for this behavior.

🕒 **Submission Completion**

Adding or subtracting evidence from a portfolio after the deadline for completion is strictly forbidden and will be cause for disqualification of the submission.

SECTION 4

IDENTIFYING OBJECTIVES AND EXAMPLES

1. Identifying Objectives and Examples
2. Alternate Assessment IEP pages
3. Samples of Objectives and Examples

IDENTIFYING OBJECTIVES AND EXAMPLES

Identifying Objectives

- When developing or amending the IEP to include the Alternate Assessment, an objective to be demonstrated must be identified for each alternate performance standard to be assessed at the student's grade.
- **The identified objectives should**
  - √ Address a priority need
  - √ Be challenging - demonstrate a significant increase beyond what the student could do before instruction
  - √ Increase the student's participation in the general education environment or in the community
  - √ Be necessary for success in current and future environments
  - √ Be identified by the family as important to accomplish
  - √ Be appropriate and typical for students of similar age or grade
  - √ Be meaningful to the student
- Each objective must be written in objective, measurable terms.
- Each objective must specify the conditions under which it is to be demonstrated.
- Objectives for the Alternate Assessment cannot be changed after Nov. 15. If a student achieves the selected objectives prior to Nov. 15, the objectives may be changed.

Developing Present Level of Educational Performance (PLEP) or Baseline

- State in objective, measurable terms how the student performs the objective at the beginning of the IEP year.
- Include the present level of support needed to perform the objective and if needed, the settings and situations in which, or the people with whom the behavior typically occurs.

Identifying Examples

- Examples are specific demonstrations of the student performing the objective.
- For each objective, at least three examples of the student's proficiency in accomplishing the objective must be submitted.
- The examples should lead to collecting types of evidence that will demonstrate that the student can repeat and sustain the behavior over time (objective).
- The examples should provide opportunities to show that the student has generalized the objective to several environments or situations or with different people.

A sample Alternate Assessment IEP page follows on pg. 23. Complete Alternate Assessment IEP pages may be found in Appendix A.

A copy of this page noting progress may be used as a progress report. Progress reports are required to be sent to parents at least as often as parents are informed of the progress of their students without disabilities. Progress reports must answer the following two questions for each goal:

1. **What is the student's progress toward the annual goal?**
2. **Is the progress sufficient to enable the student to achieve the annual goal by the end of the IEP period?** ***If the progress is insufficient, review and revise IEP goals and objectives.***

Progress reports will be provided each: ☐ Quarter ☐ Trimester ☐ Other (specify)

CONTENT STANDARD: E/LA A A student should be able to speak and write well for a variety of purposes and audiences.

MEASURABLE ANNUAL GOAL: Alternate Performance Standard E/LA -A2 Use verbal and non-verbal communication to convey information, needs, and wants: *[About communicating information, needs, and wants—not about making choices]*

SHORT-TERM INSTRUCTIONAL OBJECTIVE OR BENCHMARK (Include objective criteria):

PRESENT LEVEL OF EDUCATIONAL PERFORMANCE (Baseline):

List a variety of examples to demonstrate student proficiency of the objective **List the evaluation procedure(s)** Audio Tapes, Data Charts/Graphs, Anecdotal Records, Peer Notes or Letters, Student Work Products or other methods.	**Evidence Type:** Videos, photos with additional support, or evaluation procedures listed **Evidence Number:** Place number next to each example before submitting portfolio	**Person(s) Responsible:**	**Progress**	**Progress**	**Progress**	**Progress**
a. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
b. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
c. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
d. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:

Samples of Objectives and Examples

Sample 1

Alternate Performance Standard English Language Arts A1

Use functional written communication.

Objective

When asked by a peer or teacher to write his name, David will print his first and last name without further assistance from adults or peers.

Present level of educational performance

David can print his name accurately using a model. He cannot accurately write his name from memory.

Examples[1]

1. Prints his name on his homework assignment.
2. Prints his name to check out a library book.
3. Prints his name to sign up for school lunch.
4. Prints his name on his math worksheet.

Sample 2

Alternate Performance Standard English/Language Arts A2

Use verbal and nonverbal communication to convey information, needs, and wants.

Objective

Scott will select the appropriate picture card from his set of 10 cards to convey his needs to a teacher or peer. He will initiate the use of the picture cards without oral prompts, modeling, or support.

Present level of educational performance

Scott is familiar with the 10 picture cards. He will use his picture cards only when prompted by an adult or peer to, "show me the card for...." Currently, he indicates his needs through gestures and loud vocalizations.

Examples

1. Uses a picture card to indicate his desire to change activities in the regular education classroom.
2. Uses a picture card to request drink or food from an adult or peer.
3. Uses a picture card to tell a peer or adult he has to go to the bathroom.
4. Uses a picture card to ask a peer or adult for help in completing an activity.

---

[1] Remember that in order to demonstrate proficiency of the objective, the data across the indicators must show that the student demonstrates the objective over time on more than one occasion.

Sample 3

Alternate Performance Standard Math E1 and/or Math E3

Respond to and use numbers and calculations.

Objective

Donna will independently select the correct coins to purchase goods and/or services that cost up to $1.50.

Present level of educational performance

Donna correctly names a penny, nickel, dime, and quarter. She knows the value of each coin (i.e., that a quarter is worth 25 cents) and can add the value of the coins up to $1.50 on worksheets. She is not able to apply this skill to real-life settings.

Examples

1. Selects correct change for the juice machine at school.
2. Selects correct change for the vending machine at the bowling alley.
3. Selects correct change for the pay telephone to call a friend.
4. Selects correct change for a candy bar at the movie theater.

Sample 4

Alternate Performance Standard Math E2 and/or Math E3

Respond to and use measurement.

Objective

Sam will use his digital watch to follow a schedule, without prompts or cues from adults or peers.

Present level of educational performance

Sam can follow a schedule when the schedule includes times that are on the hour (e.g., 1:00, 2:00). He cannot consistently follow a schedule when the schedule includes times that are on the half hour or quarter hour.

Examples

1. Tells the teacher when it is 1:30 and time to line up for the school assembly.
2. At his own initiative, leaves class at 11:45 to pick up the school lunches.
3. At 5:30 PM, reminds his mother that it is time to leave for swimming class.
4. At his own initiative, begins to get ready for bed by 8:30 PM.

Sample 5

Alternate Performance Standard Skills for a Healthy Life B1

Manage personal needs.

Objective

Stephanie will independently transfer from her wheelchair to another chair/surface of similar height (no more than six inches higher or lower than her wheelchair seat).

Present level of educational performance

Stephanie can transfer from her wheelchair to another surface of similar height (no more than six inches higher or lower than her wheelchair seat) with physical assistance from an adult.

Examples

1. Transfers from her wheelchair to the toilet at school.
2. Transfers from her wheelchair to the toilet at home.
3. Transfers from her wheelchair to desk chairs in the classroom.
4. Transfers from her wheelchair to the picnic table bench in the park.

Sample 6

Alternate Performance Standard Skills for a Healthy Life B1

Manage personal needs.

Objective

Susan will correctly inform an adult, either in writing or orally, of the following personal information: name, address, and phone number.

Present level of educational performance

When asked to tell her name, address, and phone number, Susan correctly recites her name and phone number, but not her address. She can write her name correctly, but not her phone number or address.

Examples

1. Completes in writing the personal information section (name, address, phone number) of a job application.
2. Tells the clerk in the bank her name, address, and phone number.
3. Completes the application for a video rental card with her name, address, and phone number.
4. Calls to order a pizza and gives the clerk her name, address, and phone number.

Sample 7

Alternate Performance Standard Skills for a Healthy Life B3

Act safely and responsibly

Objective

Michael will follow the school's fire safety plan. When asked by an adult, he will demonstrate his knowledge by showing the adult the exit routes and fire safety procedures.

Present level of educational performance

Michael does not know any part of the school's fire safety plan.

Examples

1. Shows his teacher the way to walk out of the building from his classroom in case of a fire.
2. Shows the librarian the way to walk out of the building from the library in case of a fire.
3. Demonstrates how to "stop, drop, and roll" if caught on fire.
4. Follows the correct procedure during a fire drill.

SECTION 5

SCORING

1. Demonstrating Proficiency
2. Scoring Rubric
3. Glossary

DEMONSTRATING PROFICIENCY

The IEP team will collect a portfolio of evidence of the student's proficiency in the objectives identified for assessment. Evidence will be gathered during the IEP year. Evidence will include a variety of formats such as work samples, photographs, videotapes, data charts, checklists, progress reports, and interviews with employers or peers.

Independent raters will use a numerical rating system to score the portfolio of evidence on the following dimensions from the scoring rubric:

- Skill — how well the student performs the objective, and to what extent the student is independent or uses prompts or assistance
- Generalization — the extent to which the objective is demonstrated in more than one environment or situation or with different people
- Appropriateness — the extent to which objectives are age-appropriate, challenging, authentic, and meaningful for the student

For each dimension, evidence will be scored as:

- Advanced
- Proficient
- Below proficient
- Not proficient

Skill, generalization, and appropriateness ratings will be determined based on the rubric shown on the following page. A glossary that defines key terms used in the scoring rubric is included in this section.

SCORING RUBRIC

Dimension	**Proficiency Level**			
	Not Proficient (1)	**Below Proficient (2)**	**Proficient (3)**	**Advanced (4)**
Skill (rated for each example)	Does not perform the objective or performs with maximum physical support, such as hand-over-hand assistance.	Performs the objective with direct oral prompting, modeling, or some physical support, or the objective appears to be emerging.	Performs the objective when natural supports are provided or in response to an indirect cue.	Initiates and performs the objective when appropriate and/or self-corrects if necessary, independently or using natural supports.
Generalization (rated only once, across examples, for an Alternate Performance Standard)	Performs in only one setting or situation.	Performs in two settings or situations.	Performs in three natural settings or natural situations.	Performs in four or more natural settings or natural situations.
Appropriateness (rated only once, across examples, for an Alternate Performance Standard)	Objective and activities meet only one of these criteria: age-appropriate, challenging, authentic, meaningful to the student.	Objective and activities meet two of these criteria: age-appropriate, challenging, authentic, meaningful to the student.	Objective and activities must be challenging and meet two of these criteria: age appropriate, authentic, meaningful to the student.	Objective and activities are age-appropriate, challenging, authentic, and meaningful to the student.

The scores on these dimensions will be combined to determine the overall proficiency level for each alternate performance standard and each content area. The overall score will place the student at one of four proficiency levels—not proficient, below proficient, proficient, and advanced. These proficiency levels correspond to the levels that are reported for all students in Alaska's Comprehensive System of Student Assessments (CSSA).

GLOSSARY

Age-appropriate—typical for students of similar age and grade; places and activities in which students of similar age (within 2 years) and grade typically participate.

Appropriateness—the extent to which objectives are age-appropriate, challenging, authentic, and meaningful for the student.

Authentic—demonstrating the objective in a real-life context, which increases the student's participation in general education or the community over time.

Challenging—reflects high expectations for the student; demonstrates a significant increase beyond what the student could do before instruction.

Different situation—varied settings, people, or activities.

Direct oral prompt—another person instructing the student aloud or through a formal sign language about what to do to perform the objective; may include such statements as, "Put your paper in the box" or "Point to the picture."

Emerging—student may show some understanding or use of the objective when prompted, but there is no consistency or mastery of the objective.

Evidence—materials that document the student's performance, such as copies of student work, anecdotal records describing observable behaviors, videotape, behavioral checklists, other records of behavior over time.

Example—a specific demonstration of the student performing the objective. (Examples are opportunities to show that the student has generalized the objective to more than one setting or situation or with different people)

Generalization—the extent to which the student demonstrates the objective in varied settings, activities, or with different people.

Goal-A measurable statement that describes what a child is reasonably expected to accomplish from the specialized educational program during the school year.

Independent—student performs the objective without support from adults or peers.

Indirect cue—prompting without providing specific instruction about what the student is to do; examples may include the teacher moving close to the student, pointing, touching the student's shoulder, or saying "what do you do now?" or "what next?"

Initiates—independently takes the first step toward performing the objective.

Meaningful for the student—based on student interests and/or needs.

Modeling—an adult or peer performs the behavior so the student can watch, then the student performs the behavior.

Natural—typical, usual, customarily accepted for individuals without disabilities.

Natural settings or situations—locations and roles considered typical or usual for individuals without disabilities.

Natural supports—prompts or assistance easily found in environments that are typical for students without disabilities; adaptations necessary to accommodate for a specific disability; examples include assistive technology, peer interaction in work groups, a written or picture schedule, but NOT hand-over-hand assistance or direct oral prompts.

Objective-derived from the annual goal, but represents smaller, more manageable learning tasks a child must master on the way to achieving the goal.

Physical supports—assisting the student through touch; maximum physical support would include hand-over-hand assistance or moving some part of the student's body for the student to perform most of the objective; some physical support would be moving the student through some part of the behavior while the student performs at least half of the behavior without support.

Present level of educational performance (baseline)—the student's performance of the objective at the start of the IEP year, stated in objective, measurable terms.

Prompting—giving the student information through materials or saying something, touching or gesturing to encourage or assist the student to perform an objective.

Self-corrects—recognizes mistakes in own performance and makes changes as necessary to perform the objective.

Skill—a scoring dimension, refers to the extent to which the student demonstrates the objective independently or with natural support.

SECTION 6

COLLECTING EVIDENCE

1. Overview of Evidence
2. Ideas for Collecting Evidence
3. Kinds of Evidence
4. Where to Collect Evidence
5. Sample Data Collection Chart

OVERVIEW OF EVIDENCE

Evidence must be presented in terms of **observable behaviors.**
Evidence is **documentation that the student can perform the objective**.

The best evidence is the student actually performing the objective.
Student products are excellent evidence, and should be included in every portfolio.

Evidence that the student can perform the objective

Will demonstrate the student's **growth and progress** toward achieving the objective:
Independently
Using natural supports
Self-correcting
Will be collected in a **variety of activities and settings over time**
Must not be collected all in one day
Should be varied in types (e.g., work sample, interview, video, progress chart)
Should not *all* be presented in a video or all in a chart or all in a series of interviews or other mode
Will be collected from the start of the IEP year[2]

Evidence should be collected regularly in a "**working portfolio.**" Here are a few tips:

Make the assessment an integral part of instruction. The evidence should reflect daily instruction.
Have a system for collecting evidence on an ongoing basis. Collect multiple, varied samples of student work.
Modify teaching practices as needed to align instruction and assessment.
Document observations of the student's behaviors on a regular basis. Maintain checklists of performances assessed over a period of time, with annotations of dates, settings, circumstances, and other important data.
Collecting evidence is an IEP team effort - not the sole responsibility of one person. All IEP members should be collecting evidence.

At the **end of the assessment period** (2 weeks prior to submission date):

Review the materials collected and prepare the evidence in the folders and portfolio provided.
The student, teacher, parent, and other IEP Team members, as applicable, should select the evidence that best demonstrates the student's proficiency in meeting the standards.

---

[2] This means that evidence from the previous school year could also be submitted.

IDEAS FOR COLLECTING EVIDENCE

Here are some ideas for types of activities and evidence that may be included in a portfolio. Teachers, parents, and students are free to collect evidence in other ways.

Work or Product Review

Some activities that might be appropriate for work or product review include completing a job application, making food choices in the school cafeteria, building something, sorting pictures of foods to plan a meal, making a calendar for the class, or any activity appropriate to the student's level and goals.

Structured Observations of Preplanned Activities

Observations may be made in simulated classroom environments or real-life settings. Appropriate activities might include making an appointment by phone to see a physician, making a presentation to a group of peers and answering their questions, choosing a snack when given a choice among snacks and told to choose the "healthy" snack, or other agreed-upon activities in which student behavior can be observed.

Spontaneous Observations

Observations should also be made in naturally occurring situations. Evidence can include information from the observation reports of parents or other school personnel or members of the community.

Individual or Group Projects

Projects should be those that give the student opportunities to demonstrate multiple skills, such as science fair projects, cooking a meal, laundering clothes.

Interviews

Interviews with parents, other teachers, employers, peers, or the student can be used to document a student's proficiency. Using a structured set of questions can help to give a complete picture of the student's progress and proficiencies. Parent conferences may be a good time to have a structured set of questions ready and to record the responses.

KINDS OF EVIDENCE

Documentation of student performance may take a variety of formats, such as

Photographs

- ☐ Consider a photograph an addition that supports other documentation, such as student work and performance data. **Photographs alone are not sufficient evidence of performance**. Support photographs with other documentation (e.g., work samples, data charts) that demonstrates the student's objective.
- ☐ Mount photographs on 8.5" x 11" paper, cropping as needed and appropriate. If needed, show a sequence of events.
- ☐ Label pictures in sequence. Use labels that are objective, not evaluative, *descriptions of behavior.*
- ☐ Describe where each photo was taken and the support (if any) the student received.
- ☐ Explain how the photographs evidence the example(s).
- ☐ If there are multiple people in the photo, include information to identify the student.

Videotape

- ☐ Videotapes must be VHS, either standard or compact/small cassette.
- ☐ Include an Evidence Cover Form (Section 7) that describes what the student is doing. Explain how the student's performance demonstrates the example(s).
- ☐ If there is more than one segment on a tape, list the topics in sequence and indicate the corresponding time. This will help raters find specific spots in the tape as needed. Also mark the segments on the tape or include information about when each scene begins (e.g., "Segment 2 begins when the woman in the red dress....")
- ☐ If there are multiple people in the video, provide information needed to identify the student and others on the video. Explain the role of everyone shown on the tape.
- ☐ Make sure the tape reflects the objective and is no longer than a couple of minutes per segment.
- ☐ Be selective about what you submit; do not send 5 minutes of tape when the behavior being rated is only 1 minute of the tape.
- ☐ Evidence for only **ONE** student should appear on a videocassette. Use separate cassettes for each student.

Audiotape

- ☐ Follow the practices outlined for videotape, translating to audio (e.g., identify segments with counter numbers).

Data Charts and Graphs (Sample data chart is included in this section)

- ☐ Clearly define the task and activity and state the objective the data refers to.
- ☐ Include all applicable dates and the data collection schedule.
- ☐ Clearly define all symbols, abbreviations, and other conventions used (e.g., checkmarks, plus signs, underlining, parentheses, dashes.)
- ☐ Clearly mark any column, row, or axis headings or labels.
- ☐ Include units of measurement and criteria (e.g., single occurrence, time period, distance, duration, pass/fail criteria) that are important to understanding the behavior documented.
- ☐ Describe important conditions and variables that might affect interpretation (e.g. , levels of support, cueing).
- ☐ Be sure there is adequate space for the data and any totals, comments, or explanations needed.

Anecdotal Records, Peer Notes or Letters

- ☐ Describe the event/situation objectively, including all detail needed to understand the situation (e.g., where and when the behavior was observed, level of support provided).
- ☐ Describe the student's behavior in objective and measurable terms.
- ☐ Indicate who is providing the information and describe their relationship to the student.
- ☐ Discuss areas in which the student and peers have worked together.
- ☐ Must show progress, level of support and clearly relate to the objective.

Student Work Products

- ☐ Demonstrate the student's performance (e.g., worksheets, homework assignments, items constructed).
- ☐ Do *not* submit three-dimensional student products, except for a videotape, if used. When a student completes a project that results in a three-dimensional project, submit a photograph of the product with enough narrative to describe the student's performance in producing the product. Follow guidelines for photographs.

For each piece of evidence submitted, provide information about the:

- **Activity** (field trip to the beach, science project in regular classroom, winter holiday celebration) and **setting** (e.g., third grade classroom, resource room, lunchroom) in which the evidence was gathered.
- **Support**, if provided and not clearly demonstrated in the evidence.

This information may be on the evidence itself, for example, as part of a data sheet.

An Evidence Cover Form must be completed for each piece of evidence.

WHERE TO COLLECT EVIDENCE

Any setting in which learning takes place is appropriate for assessing a student's performance and proficiency. Evidence may be collected in the:

- Classroom
- School
- Community
- Home

REMEMBER that proficiency is demonstrated in natural settings. A regular education classroom *is* a natural setting; a self-contained special education classroom or resource room is *not*.

The context or setting for collecting evidence should be as close as possible to that in which the student will demonstrate the objective in real life. Ideally, this can be the real-life setting, such as:

- Regular education classroom
- School lunchroom
- Auditorium
- Playground
- Grocery store
- Bank
- Bus route
- Kitchen at school or home or work
- Social security office
- Driver's license office
- Restaurant
- Laundry
- Other appropriate school, community, or home setting

Provide opportunities for the student to:

- Demonstrate objectives in **multiple settings**
- Extend the learning to natural **settings**

Student Name: ______________________________

Performance Standard: ______________________________

Objective: ______________________________

Person collecting data: ______________________________

Please note that 2 pieces of data should be recorded on each recording date.

1. Record student behavior - does the student perform the objective or not?
2. Also record the level of support provided to the student by the adult or peer.

Key for Student Performance:

+ Student performs objective
- Student does not perform objective

Use the comment section for:

Refusal
Resistance
Partial performance of objective
Illness
Other

Key for Support (refer to Glossary):

1 Maximum physical support
2 Some physical support
3 Direct oral prompting
4 Modeling
5 Indirect cue
6 Natural support (define each support)
7 Independently performs objective

Date	Performance	Support	Setting/Situation	Comments

SECTION 7

PREPARING TO SUBMIT THE PORTFOLIO

1. Portfolio Contents Checklist
2. Evidence Cover Form

PORTFOLIO CONTENTS CHECKLIST

A standard 9" × 12" × 3_" accordion folder 📂 will be provided for each student's portfolio. A folder 📁 will be provided to hold the evidence for each Alternate Performance Standard.

The completed portfolio must include:

☐ ***Student Information Form.*** This is the same scan sheet that all students complete for Benchmark Tests or for the High School Graduation Qualifying Exam. This page includes important student identification information and should be completed by the teacher.

☐ ***IEP Alternate Performance Standard Goals and Objectives Pages.*** There should be one Alternate Performance Standard Goal and Objective Page for each of the five Alternate Performance Standards assessed at the student's grade level.

☐ ***Evidence Cover Form.*** Each piece of evidence submitted must have an Evidence Cover Form.

☐ ***Evidence.*** Put the evidence gathered for each Alternate Performance Standard in the folder for that Alternate Performance Standard. Put all the folders in the expanding folder.

NEITHER PORTFOLIOS NOR THEIR CONTENTS WILL BE RETURNED.
WE SUGGEST THAT YOU MAKE A COPY TO KEEP IN YOUR FILES.

EVIDENCE COVER FORM

Number all of the pieces of evidence *consecutively* across all Alternate Performance Standards. This will prevent any two pieces of evidence from having the same number. Do not begin renumbering for each standard.

Unless you state otherwise, raters will assume that when you use the terms in the scoring rubric [e.g., 'John was given an oral prompt' that it has the same meaning as in the glossary].

Student Name____________________________________ **Evidence #** ________

Alt. Perf. Standard (e.g., E/LA-A1) _______

Type of Evidence ☐photo ☐ videotape ☐audiotape ☐work sample ☐data chart ☐other (list)

Example (Give a brief description of the behavior demonstrated in the evidence. For example, "John is writing 4 words to label a picture.")

COMPLETE THIS SECTION WHEN ADDITIONAL INFORMATION IS NEEDED TO SUPPORT THE EVIDENCE:

Activity (e.g., field trip to the beach, science project in regular classroom, Winter Holiday celebration), **Date** and **Setting** (e.g., third-grade classroom, resource room, lunchroom) in/on which the evidence was gathered:

Support (if provided and not clearly indicated in the evidence) to demonstrate proficiency of the objective. (This includes physical supports, such as hand-over-hand assistance, as well as direct verbal cues and teacher cues or prompts. Supports also include natural supports such as assistive technology and a written or picture schedule.)

SECTION 8

CONTACTS

SECTION 8: CONTACTS

FOR ASSISTANCE WITH THE ALTERNATE ASSESSMENT

School District: Each school district has a trained Alternate Assessment Consultant. Your Alternate Assessment Consultant may be contacted through your Special Education Director.

Department of Education Special Ed. Website
(http://www.eed.state.ak.us/tls/sped/)

- Click on the Assessment Link
- Click on the link to the Alternate Assessment Home page
- **See the "Frequently Asked Questions" section**

Dept. of Education & Early Development

Nancy J. Mathis
907/465-8702 (phone)
907/465-2806 (fax)
e-mail: nancy_mathis@eed.state.ak.us

SERRC

Linda Griffith
907/586-6806 (phone)
907/463-3811 (fax)
e-mail: lindag@serrc.org

APPENDIX A

ALTERNATE ASSESSMENT IEP PAGES

ALTERNATE ASSESSMENT GOALS/OBJECTIVES GRADE 3 E/LA-A2

Student's Legal Name ______________________________ ______________

(Last Name/First Name/Middle Name) (IEP Date MM/DD/YYYY)

A copy of this page noting progress may be used as a progress report. Progress reports are required to be sent to parents at least as often as parents are informed of the progress of their students without disabilities. Progress reports must answer the following two questions for each goal:

1. **What is the student's progress toward the annual goal?**
2. **Is the progress sufficient to enable the student to achieve the annual goal by the end of the IEP period?** ***If the progress is insufficient, review and revise IEP goals and objectives.***

Progress reports will be provided each: ☐ Quarter ☐ Trimester ☐ Other (specify)

CONTENT STANDARD: E/LA A A student should be able to speak and write well for a variety of purposes and audiences.

MEASURABLE ANNUAL GOAL: Alternate Performance Standard E/LA-A2 Use verbal and non-verbal communication to convey information, needs, and wants: *[About communicating information, needs, and wants—not about making choices]*

SHORT-TERM INSTRUCTIONAL OBJECTIVE OR BENCHMARK (Include objective criteria):

PRESENT LEVEL OF EDUCATIONAL PERFORMANCE (Baseline):

List a variety of examples to demonstrate student proficiency of the objective **List the evaluation procedure(s)** Audio Tapes, Data Charts/Graphs, Anecdotal Records, Peer Notes or Letters, Student Work Products or other methods.	**Evidence Type:** Videos, photos with additional support, or evaluation procedures listed **Evidence Number:** Place number next to each example before submitting portfolio	**Person(s) Responsible:**	**Progress**	**Progress**	**Progress**	**Progress**
a. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
b. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
c. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
d. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:

BEST COPY AVAILABLE

ALTERNATE ASSESSMENT GOALS/OBJECTIVES GRADE 3 E/LA-B2

Student's Legal Name ______________________________ ______________

(Last Name/First Name/Middle Name) (IEP Date MM/DD/YYYY)

A copy of this page noting progress may be used as a progress report. Progress reports are required to be sent to parents at least as often as parents are informed of the progress of their students without disabilities. Progress reports must answer the following two questions for each goal:

3. **What is the student's progress toward the annual goal?**
4. **Is the progress sufficient to enable the student to achieve the annual goal by the end of the IEP period?** ***If the progress is insufficient, review and revise IEP goals and objectives.***

Progress reports will be provided each: ☐ Quarter ☐ Trimester ☐ Other (specify)

CONTENT STANDARD: E/LA B A student should be a competent and thoughtful reader, listener, and viewer of literature, technical materials, and a variety of other information.
MEASURABLE ANNUAL GOAL: Alternate Performance Standard E/LA-B2 Comprehend meaning from oral language and other forms of communication. *[Understanding what is communicated orally or in other forms of communication such as touch or using objects or symbols]*

SHORT-TERM INSTRUCTIONAL OBJECTIVE OR BENCHMARK (Include objective criteria):

PRESENT LEVEL OF EDUCATIONAL PERFORMANCE (Baseline):

List a variety of examples to demonstrate student proficiency of the objective **List the evaluation procedure(s)** Audio Tapes, Data Charts/Graphs, Anecdotal Records, Peer Notes or Letters, Student Work Products or other methods.	**Evidence Type:** Videos, photos with additional support, or evaluation procedures listed **Evidence Number:** Place number next to each example before submitting portfolio	**Person(s) Responsible:**	**Progress**	**Progress**	**Progress**	**Progress**
a. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
b. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
c. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
d. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:

ALTERNATE ASSESSMENT GOALS/OBJECTIVES GRADE 3 Math M-E3

Student's Legal Name ______________________________ ______________

(Last Name/First Name/Middle Name) (IEP Date MM/DD/YYYY)

A copy of this page noting progress may be used as a progress report. Progress reports are required to be sent to parents at least as often as parents are informed of the progress of their students without disabilities. Progress reports must answer the following two questions for each goal:

5. **What is the student's progress toward the annual goal?**
6. **Is the progress sufficient to enable the student to achieve the annual goal by the end of the IEP period?** ***If the progress is insufficient, review and revise IEP goals and objectives.***

Progress reports will be provided each: [ ] Quarter [ ] Trimester [ ] Other (specify)

CONTENT STANDARD: **MATH E** A student should be able to apply mathematical concepts and processes to situations within and outside of school.

MEASURABLE ANNUAL GOAL: Alternate Performance Standard MATH M-E3 Respond to and use patterns. *[Could include basic patterns, measurement, numbers and/or calculations]*

SHORT-TERM INSTRUCTIONAL OBJECTIVE OR BENCHMARK (Include objective criteria):

PRESENT LEVEL OF EDUCATIONAL PERFORMANCE (Baseline):

List a variety of examples to demonstrate student proficiency of the objective **List the evaluation procedure(s)** Audio Tapes, Data Charts/Graphs, Anecdotal Records, Peer Notes or Letters, Student Work Products or other methods.	**Evidence Type:** Videos, photos with additional support, or evaluation procedures listed **Evidence Number:** Place number next to each example before submitting portfolio	**Person(s) Responsible:**	**Progress**	**Progress**	**Progress**	**Progress**
a. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
b. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
c. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
d. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:

ALTERNATE ASSESSMENT GOALS/OBJECTIVES GRADE 3 SHL B1

Student's Legal Name ______________________________ ______________

(Last Name/First Name/Middle Name) (IEP Date MM/DD/YYYY)

A copy of this page noting progress may be used as a progress report. Progress reports are required to be sent to parents at least as often as parents are informed of the progress of their students without disabilities. Progress reports must answer the following two questions for each goal:

7. **What is the student's progress toward the annual goal?**
8. **Is the progress sufficient to enable the student to achieve the annual goal by the end of the IEP period?** ***If the progress is insufficient, review and revise IEP goals and objectives.***

Progress reports will be provided each: [ ] Quarter [ ] Trimester [ ] Other (specify)

CONTENT STANDARD: SHL B A student should be able to demonstrate responsibility for the student's well being.

MEASURABLE ANNUAL GOAL: Alternate Performance Standard SHL-B1 Manage personal needs. *[Caring for self in activities of daily living]*

SHORT-TERM INSTRUCTIONAL OBJECTIVE OR BENCHMARK (Include objective criteria):

PRESENT LEVEL OF EDUCATIONAL PERFORMANCE (Baseline):

List a variety of examples to demonstrate student proficiency of the objective **List the evaluation procedure(s)** Audio Tapes, Data Charts/Graphs, Anecdotal Records, Peer Notes or Letters, Student Work Products or other methods.	**Evidence Type:** Videos, photos with additional support, or evaluation procedures listed **Evidence Number:** Place number next to each example before submitting portfolio	**Person(s) Responsible:**	**Progress**	**Progress**	**Progress**	**Progress**
a. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
b. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
c. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
d. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:

BEST COPY AVAILABLE

ALTERNATE ASSESSMENT GOALS/OBJECTIVES GRADE 3 SHL C1

Student's Legal Name ______________________________ ______________
(Last Name/First Name/Middle Name) (IEP Date MM/DD/YYYY)

A copy of this page noting progress may be used as a progress report. Progress reports are required to be sent to parents at least as often as parents are informed of the progress of their students without disabilities. Progress reports must answer the following two questions for each goal:

9. **What is the student's progress toward the annual goal?**
10. **Is the progress sufficient to enable the student to achieve the annual goal by the end of the IEP period?** ***If the progress is insufficient, review and revise IEP goals and objectives.***

Progress reports will be provided each: ☐ Quarter ☐ Trimester ☐ Other (specify)

CONTENT STANDARD: SHL C A student should understand how well-being is affected by relationships with others.
MEASURABLE ANNUAL GOAL: Alternate Performance Standard SHL-C1 Maintain positive interpersonal relationships.

SHORT-TERM INSTRUCTIONAL OBJECTIVE OR BENCHMARK (Include objective criteria):

PRESENT LEVEL OF EDUCATIONAL PERFORMANCE (Baseline):

List a variety of examples to demonstrate student proficiency of the objective **List the evaluation procedure(s)** Audio Tapes, Data Charts/Graphs, Anecdotal Records, Peer Notes or Letters, Student Work Products or other methods.	**Evidence Type:** Videos, photos with additional support, or evaluation procedures listed **Evidence Number:** Place number next to each example before submitting portfolio	**Person(s) Responsible:**	**Progress**	**Progress**	**Progress**	**Progress**
a. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
b. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
c. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
d. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:

BEST COPY AVAILABLE

ALTERNATE ASSESSMENT GOALS/OBJECTIVES GRADE 6 E/LA A-1

Student's Legal Name ______________________________ (Last Name/First Name/Middle Name) ____________ (IEP Date MM/DD/YYYY)

A copy of this page noting progress may be used as a progress report. Progress reports are required to be sent to parents at least as often as parents are informed of the progress of their students without disabilities. Progress reports must answer the following two questions for each goal:

11. **What is the student's progress toward the annual goal?**
12. **Is the progress sufficient to enable the student to achieve the annual goal by the end of the IEP period?** ***If the progress is insufficient, review and revise IEP goals and objectives.***

Progress reports will be provided each: ☐ Quarter ☐ Trimester ☐ Other (specify)

CONTENT STANDARD: **E/LA A** A student should be able to speak and write well for a variety of purposes and audiences

MEASURABLE ANNUAL GOAL: Alternate Performance Standard E/LA A-1 Use functional written communication. *[Includes writing in pictures, words, or symbols.]*

SHORT-TERM INSTRUCTIONAL OBJECTIVE OR BENCHMARK (Include objective criteria):

PRESENT LEVEL OF EDUCATIONAL PERFORMANCE (Baseline):

List a variety of examples to demonstrate student proficiency of the objective **List the evaluation procedure(s)** Audio Tapes, Data Charts/Graphs, Anecdotal Records, Peer Notes or Letters, Student Work Products or other methods.	**Evidence Type:** Videos, photos with additional support, or evaluation procedures listed **Evidence Number:** Place number next to each example before submitting portfolio	**Person(s) Responsible:**	**Progress**	**Progress**	**Progress**	**Progress**
a. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
b. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
c. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
d. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:

BEST COPY AVAILABLE

ALTERNATE ASSESSMENT GOALS/OBJECTIVES GRADE 6 E/LA B-1

Student's Legal Name ______________________________ ____________

(Last Name/First Name/Middle Name) (IEP Date MM/DD/YYYY)

A copy of this page noting progress may be used as a progress report. Progress reports are required to be sent to parents at least as often as parents are informed of the progress of their students without disabilities. Progress reports must answer the following two questions for each goal:

13. **What is the student's progress toward the annual goal?**
14. **Is the progress sufficient to enable the student to achieve the annual goal by the end of the IEP period?** ***If the progress is insufficient, review and revise IEP goals and objectives.***

Progress reports will be provided each: [ ] Quarter [ ] Trimester [ ] Other (specify)

CONTENT STANDARD: E/LA B A student should be a competent and thoughtful reader, listener, and viewer of literature, technical materials and a variety of other information.

MEASURABLE ANNUAL GOAL: Alternate Performance Standard E/LA B-1 Relate and apply what is viewed or read to practical purposes. *[Demonstration of receptive skills - applying what is read or viewed as demonstrated through use of words, pictures, symbols, or objects]*

SHORT-TERM INSTRUCTIONAL OBJECTIVE OR BENCHMARK (Include objective criteria):

PRESENT LEVEL OF EDUCATIONAL PERFORMANCE (Baseline):

List a variety of examples to demonstrate student proficiency of the objective **List the evaluation procedure(s)** Audio Tapes, Data Charts/Graphs, Anecdotal Records, Peer Notes or Letters, Student Work Products or other methods.	**Evidence Type:** Videos, photos with additional support, or evaluation procedures listed **Evidence Number:** Place number next to each example before submitting portfolio	**Person(s) Responsible:**	**Progress**	**Progress**	**Progress**	**Progress**
a. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
b. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
c. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
d. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:

BEST COPY AVAILABLE

ALTERNATE ASSESSMENT GOALS/OBJECTIVES GRADE 6 Math M-3

Student's Legal Name ______________________________ ____________
(Last Name/First Name/Middle Name) (IEP Date MM/DD/YYYY)

A copy of this page noting progress may be used as a progress report. Progress reports are required to be sent to parents at least as often as parents are informed of the progress of their students without disabilities. Progress reports must answer the following two questions for each goal:

15. What is the student's progress toward the annual goal?

16. Is the progress sufficient to enable the student to achieve the annual goal by the end of the IEP period? ***If the progress is insufficient, review and revise IEP goals and objectives.***

Progress reports will be provided each: ☐ Quarter ☐ Trimester ☐ Other (specify)

CONTENT STANDARD: MATH E A student should be able to apply mathematical concepts and processes to situations within and outside of school.

MEASURABLE ANNUAL GOAL: Alternate Performance Standard MATH M-E3 Respond to and use patterns. *[Could include basic patterns, measurement, numbers and/or calculations]*

SHORT-TERM INSTRUCTIONAL OBJECTIVE OR BENCHMARK (Include objective criteria):

PRESENT LEVEL OF EDUCATIONAL PERFORMANCE (Baseline):

List a variety of examples to demonstrate student proficiency of the objective **List the evaluation procedure(s)** Audio Tapes, Data Charts/Graphs, Anecdotal Records, Peer Notes or Letters, Student Work Products or other methods.	**Evidence Type:** Videos, photos with additional support, or evaluation procedures listed **Evidence Number:** Place number next to each example before submitting portfolio	**Person(s) Responsible:**	**Progress**	**Progress**	**Progress**	**Progress**
a. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
b. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
c. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
d. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:

BEST COPY AVAILABLE

ALTERNATE ASSESSMENT GOALS/OBJECTIVES GRADE 6 SHL-B3

Student's Legal Name ______________________________ (Last Name/First Name/Middle Name) ____________ (IEP Date MM/DD/YYYY)

A copy of this page noting progress may be used as a progress report. Progress reports are required to be sent to parents at least as often as parents are informed of the progress of their students without disabilities. Progress reports must answer the following two questions for each goal:

17. What is the student's progress toward the annual goal?

18. Is the progress sufficient to enable the student to achieve the annual goal by the end of the IEP period? ***If the progress is insufficient, review and revise IEP goals and objectives.***

Progress reports will be provided each: ☐ Quarter ☐ Trimester ☐ Other (specify)

CONTENT STANDARD: SHL B A student should be able to demonstrate responsibility for the student's well being.

MEASURABLE ANNUAL GOAL: Alternate Performance Standard SHL-B3 Act safely and responsibly.

SHORT-TERM INSTRUCTIONAL OBJECTIVE OR BENCHMARK (Include objective criteria):

PRESENT LEVEL OF EDUCATIONAL PERFORMANCE (Baseline):

List a variety of examples to demonstrate student proficiency of the objective **List the evaluation procedure(s)** Audio Tapes, Data Charts/Graphs, Anecdotal Records, Peer Notes or Letters, Student Work Products or other methods.	**Evidence Type:** Videos, photos with additional support, or evaluation procedures listed **Evidence Number:** Place number next to each example before submitting portfolio	**Person(s) Responsible:**	**Progress**	**Progress**	**Progress**	**Progress**
a. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
b. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
c. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
d. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:

ALTERNATE ASSESSMENT GOALS/OBJECTIVES GRADE 6 SHL-D2

Student's Legal Name ______________________________ (Last Name/First Name/Middle Name) ______________ (IEP Date MM/DD/YYYY)

A copy of this page noting progress may be used as a progress report. Progress reports are required to be sent to parents at least as often as parents are informed of the progress of their students without disabilities. Progress reports must answer the following two questions for each goal:

19. What is the student's progress toward the annual goal?

20. Is the progress sufficient to enable the student to achieve the annual goal by the end of the IEP period? ***If the progress is insufficient, review and revise IEP goals and objectives.***

Progress reports will be provided each: ☐ Quarter ☐ Trimester ☐ Other (specify)

CONTENT STANDARD: SHL D A student should be able to contribute to the well being of families and communities

MEASURABLE ANNUAL GOAL: Alternate Performance Standard SHL-D2 Participate meaningfully in the community. *[Could relate to the school community or to the broader community].*

SHORT-TERM INSTRUCTIONAL OBJECTIVE OR BENCHMARK (Include objective criteria):

PRESENT LEVEL OF EDUCATIONAL PERFORMANCE (Baseline):

List a variety of examples to demonstrate student proficiency of the objective **List the evaluation procedure(s)** Audio Tapes, Data Charts/Graphs, Anecdotal Records, Peer Notes or Letters, Student Work Products or other methods.	**Evidence Type:** Videos, photos with additional support, or evaluation procedures listed **Evidence Number:** Place number next to each example before submitting portfolio	**Person(s) Responsible:**	**Progress**	**Progress**	**Progress**	**Progress**
a. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
b. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
c. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
d. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:

BEST COPY AVAILABLE

ALTERNATE ASSESSMENT GOALS/OBJECTIVES GRADE 8 E/LA-A3

Student's Legal Name ______________________________ ______________

(Last Name/First Name/Middle Name) (IEP Date MM/DD/YYYY)

A copy of this page noting progress may be used as a progress report. Progress reports are required to be sent to parents at least as often as parents are informed of the progress of their students without disabilities. Progress reports must answer the following two questions for each goal:

21. **What is the student's progress toward the annual goal?**
22. **Is the progress sufficient to enable the student to achieve the annual goal by the end of the IEP period?** ***If the progress is insufficient, review and revise IEP goals and objectives.***

Progress reports will be provided each: [ ] Quarter [ ] Trimester [ ] Other (specify)

CONTENT STANDARD: E/LA A A student should be able to speak and write well for a variety of purposes and audiences

MEASURABLE ANNUAL GOAL: Alternate Performance Standard E/LA A-3 Engage in meaningful conversation. *[Involves turn-taking; must be reciprocal]*

SHORT-TERM INSTRUCTIONAL OBJECTIVE OR BENCHMARK (Include objective criteria):

PRESENT LEVEL OF EDUCATIONAL PERFORMANCE (Baseline):

List a variety of examples to demonstrate student proficiency of the objective **List the evaluation procedure(s)** Audio Tapes, Data Charts/Graphs, Anecdotal Records, Peer Notes or Letters, Student Work Products or other methods.	**Evidence Type:** Videos, photos with additional support, or evaluation procedures listed **Evidence Number:** Place number next to each example before submitting portfolio	**Person(s) Responsible:**	**Progress**	**Progress**	**Progress**	**Progress**
a. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
b. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
c. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
d. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:

BEST COPY AVAILABLE

ALTERNATE ASSESSMENT GOALS/OBJECTIVES GRADE 8 E/LA B2

Student's Legal Name ______________________________ ______________
(Last Name/First Name/Middle Name) (IEP Date MM/DD/YYYY)

A copy of this page noting progress may be used as a progress report. Progress reports are required to be sent to parents at least as often as parents are informed of the progress of their students without disabilities. Progress reports must answer the following two questions for each goal:

23. **What is the student's progress toward the annual goal?**
24. **Is the progress sufficient to enable the student to achieve the annual goal by the end of the IEP period?** ***If the progress is insufficient, review and revise IEP goals and objectives.***

Progress reports will be provided each: [ ] Quarter [ ] Trimester [ ] Other (specify)

CONTENT STANDARD: E/LA B A student should be a competent and thoughtful reader, listener, and viewer of literature, technical materials, and a variety of other information.
MEASURABLE ANNUAL GOAL: Alternate Performance Standard E/LA-B2 Comprehend meaning from oral language and other forms of communication. *[Understanding what is communicated orally or in other forms of communication such as touch or using objects or symbols]*

SHORT-TERM INSTRUCTIONAL OBJECTIVE OR BENCHMARK (Include objective criteria):

PRESENT LEVEL OF EDUCATIONAL PERFORMANCE (Baseline):

List a variety of examples to demonstrate student proficiency of the objective **List the evaluation procedure(s)** Audio Tapes, Data Charts/Graphs, Anecdotal Records, Peer Notes or Letters, Student Work Products or other methods.	**Evidence Type:** Videos, photos with additional support, or evaluation procedures listed **Evidence Number:** Place number next to each example before submitting portfolio	**Person(s) Responsible:**	**Progress**	**Progress**	**Progress**	**Progress**
a. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
b. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
c. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
d. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:

BEST COPY AVAILABLE

ALTERNATE ASSESSMENT GOALS/OBJECTIVES GRADE 8 Math M3

Student's Legal Name ______________________________ ______________

(Last Name/First Name/Middle Name) (IEP Date MM/DD/YYYY)

A copy of this page noting progress may be used as a progress report. Progress reports are required to be sent to parents at least as often as parents are informed of the progress of their students without disabilities. Progress reports must answer the following two questions for each goal:

25. **What is the student's progress toward the annual goal?**
26. **Is the progress sufficient to enable the student to achieve the annual goal by the end of the IEP period?** ***If the progress is insufficient, review and revise IEP goals and objectives.***

Progress reports will be provided each: ☐ Quarter ☐ Trimester ☐ Other (specify)

CONTENT STANDARD: MATH E A student should be able to apply mathematical concepts and processes to situations within and outside of school.

MEASURABLE ANNUAL GOAL: Alternate Performance Standard MATH M-E3 Respond to and use patterns. *[Could include basic patterns, measurement, numbers and/or calculations]*

SHORT-TERM INSTRUCTIONAL OBJECTIVE OR BENCHMARK (Include objective criteria):

PRESENT LEVEL OF EDUCATIONAL PERFORMANCE (Baseline):

List a variety of examples to demonstrate student proficiency of the objective **List the evaluation procedure(s)** Audio Tapes, Data Charts/Graphs, Anecdotal Records, Peer Notes or Letters, Student Work Products or other methods.	**Evidence Type:** Videos, photos with additional support, or evaluation procedures listed **Evidence Number:** Place number next to each example before submitting portfolio	**Person(s) Responsible:**	**Progress**	**Progress**	**Progress**	**Progress**
a. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
b. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
c. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
d. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:

ALTERNATE ASSESSMENT GOALS/OBJECTIVES GRADE 8 SHL B4

Student's Legal Name ______________________________ ______________

(Last Name/First Name/Middle Name) (IEP Date MM/DD/YYYY)

A copy of this page noting progress may be used as a progress report. Progress reports are required to be sent to parents at least as often as parents are informed of the progress of their students without disabilities. Progress reports must answer the following two questions for each goal:

27. What is the student's progress toward the annual goal?

28. Is the progress sufficient to enable the student to achieve the annual goal by the end of the IEP period? ***If the progress is insufficient, review and revise IEP goals and objectives.***

Progress reports will be provided each: ☐ Quarter ☐ Trimester ☐ Other (specify)

CONTENT STANDARD: SHL B A student should be able to demonstrate responsibility for the student's well being.

MEASURABLE ANNUAL GOAL: Alternate Performance Standard SHL-B4 Engage in recreational and leisure activities

SHORT-TERM INSTRUCTIONAL OBJECTIVE OR BENCHMARK (Include objective criteria):

PRESENT LEVEL OF EDUCATIONAL PERFORMANCE (Baseline):

List a variety of examples to demonstrate student proficiency of the objective **List the evaluation procedure(s)** Audio Tapes, Data Charts/Graphs, Anecdotal Records, Peer Notes or Letters, Student Work Products or other methods.	**Evidence Type:** Videos, photos with additional support, or evaluation procedures listed **Evidence Number:** Place number next to each example before submitting portfolio	**Person(s) Responsible:**	**Progress**	**Progress**	**Progress**	**Progress**
a. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
b. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
c. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
d. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:

BEST COPY AVAILABLE

ALTERNATE ASSESSMENT GOALS/OBJECTIVES GRADE 8 SHL D1

Student's Legal Name ______________________________ ______________
(Last Name/First Name/Middle Name) (IEP Date MM/DD/YYYY)

A copy of this page noting progress may be used as a progress report. Progress reports are required to be sent to parents at least as often as parents are informed of the progress of their students without disabilities. Progress reports must answer the following two questions for each goal:

29. What is the student's progress toward the annual goal?

30. Is the progress sufficient to enable the student to achieve the annual goal by the end of the IEP period? ***If the progress is insufficient, review and revise IEP goals and objectives.***

Progress reports will be provided each: ☐ Quarter ☐ Trimester ☐ Other (specify)

CONTENT STANDARD: SHL D A student should be able to contribute to the well being of families and communities

MEASURABLE ANNUAL GOAL: Alternate Performance Standard SHL-D1 Contribute meaningfully at hone and in the classroom.

SHORT-TERM INSTRUCTIONAL OBJECTIVE OR BENCHMARK (Include objective criteria):

PRESENT LEVEL OF EDUCATIONAL PERFORMANCE (Baseline):

List a variety of examples to demonstrate student proficiency of the objective **List the evaluation procedure(s)** Audio Tapes, Data Charts/Graphs, Anecdotal Records, Peer Notes or Letters, Student Work Products or other methods.	**Evidence Type:** Videos, photos with additional support, or evaluation procedures listed **Evidence Number:** Place number next to each example before submitting portfolio	**Person(s) Responsible:**	**Progress**	**Progress**	**Progress**	**Progress**
a. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
b. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
c. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
d. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:

BEST COPY AVAILABLE

ALTERNATE ASSESSMENT GOALS/OBJECTIVES GRADE 11 E/LA B-1

Student's Legal Name ______________________________ (Last Name/First Name/Middle Name) ______________ (IEP Date MM/DD/YYYY)

A copy of this page noting progress may be used as a progress report. Progress reports are required to be sent to parents at least as often as parents are informed of the progress of their students without disabilities. Progress reports must answer the following two questions for each goal:

31. **What is the student's progress toward the annual goal?**
32. **Is the progress sufficient to enable the student to achieve the annual goal by the end of the IEP period?** ***If the progress is insufficient, review and revise IEP goals and objectives.***

Progress reports will be provided each: ☐ Quarter ☐ Trimester ☐ Other (specify)

CONTENT STANDARD: E/LA B A student should be a competent and thoughtful reader, listener, and viewer of literature, technical materials and a variety of other information.

MEASURABLE ANNUAL GOAL: Alternate Performance Standard E/LA B-1 Relate and apply what is viewed or read to practical purposes. *[Demonstration of receptive skills - applying what is read or viewed as demonstrated through use of words, pictures, symbols, or objects]*

SHORT-TERM INSTRUCTIONAL OBJECTIVE OR BENCHMARK (Include objective criteria):

PRESENT LEVEL OF EDUCATIONAL PERFORMANCE (Baseline):

List a variety of examples to demonstrate student proficiency of the objective **List the evaluation procedure(s)** Audio Tapes, Data Charts/Graphs, Anecdotal Records, Peer Notes or Letters, Student Work Products or other methods.	**Evidence Type:** Videos, photos with additional support, or evaluation procedures listed **Evidence Number:** Place number next to each example before submitting portfolio	**Person(s) Responsible:**	**Progress**	**Progress**	**Progress**	**Progress**
a. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
b. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
c. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
d. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:

ALTERNATE ASSESSMENT GOALS/OBJECTIVES GRADE 11 E/LA E-2

Student's Legal Name ____________________________________ ____________
(Last Name/First Name/Middle Name) (IEP Date MM/DD/YYYY)

A copy of this page noting progress may be used as a progress report. Progress Reports are required to be sent to parents at least as often as parents are informed of the progress of their students without disabilities. Progress reports must answer the following two questions for each goal:

33. What is the student's progress toward the annual goal?

34. Is the progress sufficient to enable the student to achieve the annual goal by the end of the IEP period? ***If the progress is insufficient, review and revise IEP goals and objectives.***

Progress reports will be provided each: ☐ Quarter ☐ Trimester ☐ Other (specify)

CONTENT STANDARD: E/LA E A student should understand and respect the perspectives of others in order to communicate effectively..

MEASURABLE ANNUAL GOAL: Alternate Performance Standard E/LA E-2 Modify communication according to social and cultural norms.

SHORT-TERM INSTRUCTIONAL OBJECTIVE OR BENCHMARK (Include objective criteria):

PRESENT LEVEL OF EDUCATIONAL PERFORMANCE (Baseline):

List a variety of examples to demonstrate student proficiency of the objective **List the evaluation procedure(s)** Audio Tapes, Data Charts/Graphs, Anecdotal Records, Peer Notes or Letters, Student Work Products or other methods.	**Evidence Type:** Videos, photos with additional support, or evaluation procedures listed **Evidence Number:** Place number next to each example before submitting portfolio	**Person(s) Responsible:**	**Progress**	**Progress**	**Progress**	**Progress**
a. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
b. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
c. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
d. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:

BEST COPY AVAILABLE

ALTERNATE ASSESSMENT GOALS/OBJECTIVES GRADE 11 Math M3

Student's Legal Name ______________________________ ______________

(Last Name/First Name/Middle Name) (IEP Date MM/DD/YYYY)

A copy of this page noting progress may be used as a progress report. Progress reports are required to be sent to parents at least as often as parents are informed of the progress of their students without disabilities. Progress reports must answer the following two questions for each goal:

35. **What is the student's progress toward the annual goal?**
36. **Is the progress sufficient to enable the student to achieve the annual goal by the end of the IEP period?** ***If the progress is insufficient, review and revise IEP goals and objectives.***

Progress reports will be provided each: [ ] Quarter [ ] Trimester [ ] Other (specify)

CONTENT STANDARD: MATH E A student should be able to apply mathematical concepts and processes to situations within and outside of school.

MEASURABLE ANNUAL GOAL: Alternate Performance Standard MATH M-E3 Respond to and use patterns. *[Could include basic patterns, measurement, numbers and/or calculations]*

SHORT-TERM INSTRUCTIONAL OBJECTIVE OR BENCHMARK (Include objective criteria):

PRESENT LEVEL OF EDUCATIONAL PERFORMANCE (Baseline):

List a variety of examples to demonstrate student proficiency of the objective **List the evaluation procedure(s)** Audio Tapes, Data Charts/Graphs, Anecdotal Records, Peer Notes or Letters, Student Work Products or other methods.	**Evidence Type:** Videos, photos with additional support, or evaluation procedures listed **Evidence Number:** Place number next to each example before submitting portfolio	**Person(s) Responsible:**	**Progress**	**Progress**	**Progress**	**Progress**
a. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
b. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
c. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
d. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:

ALTERNATE ASSESSMENT GOALS/OBJECTIVES GRADE 11 SHL B2

Student's Legal Name ______________________________ (Last Name/First Name/Middle Name) ____________ (IEP Date MM/DD/YYYY)

A copy of this page noting progress may be used as a progress report. Progress reports are required to be sent to parents at least as often as parents are informed of the progress of their students without disabilities. Progress reports must answer the following two questions for each goal:

37. What is the student's progress toward the annual goal?

38. Is the progress sufficient to enable the student to achieve the annual goal by the end of the IEP period? ***If the progress is insufficient, review and revise IEP goals and objectives.***

Progress reports will be provided each: [ ] Quarter [ ] Trimester [ ] Other (specify)

CONTENT STANDARD: SHL B A student should be able to demonstrate responsibility for the student's well being.

MEASURABLE ANNUAL GOAL: Alternate Performance Standard SHL-B2 Make choices and advocate for self and others.

SHORT-TERM INSTRUCTIONAL OBJECTIVE OR BENCHMARK (Include objective criteria):

PRESENT LEVEL OF EDUCATIONAL PERFORMANCE (Baseline):

List a variety of examples to demonstrate student proficiency of the objective **List the evaluation procedure(s)** Audio Tapes, Data Charts/Graphs, Anecdotal Records, Peer Notes or Letters, Student Work Products or other methods.	**Evidence Type:** Videos, photos with additional support, or evaluation procedures listed **Evidence Number:** Place number next to each example before submitting portfolio	**Person(s) Responsible:**	**Progress**	**Progress**	**Progress**	**Progress**
a. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
b. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
c. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
d. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:

ALTERNATE ASSESSMENT GOALS/OBJECTIVES GRADE 11 SHL D2

Student's Legal Name ____________________ ____________
(Last Name/First Name/Middle Name) (IEP Date MM/DD/YYYY)

A copy of this page noting progress may be used as a progress report. Progress reports are required to be sent to parents at least as often as parents are informed of the progress of their students without disabilities. Progress reports must answer the following two questions for each goal:

39. What is the student's progress toward the annual goal?

40. Is the progress sufficient to enable the student to achieve the annual goal by the end of the IEP period? ***If the progress is insufficient, review and revise IEP goals and objectives.***

Progress reports will be provided each: ☐ Quarter ☐ Trimester ☐ Other (specify)

CONTENT STANDARD: SHL D A student should be able to contribute to the well being of families and communities

MEASURABLE ANNUAL GOAL: Alternate Performance Standard SHL-D2 Participate meaningfully in the community. *[Could relate to the school community or to the broader community].*

SHORT-TERM INSTRUCTIONAL OBJECTIVE OR BENCHMARK (Include objective criteria):

PRESENT LEVEL OF EDUCATIONAL PERFORMANCE (Baseline):

List a variety of examples to demonstrate student proficiency of the objective **List the evaluation procedure(s)** Audio Tapes, Data Charts/Graphs, Anecdotal Records, Peer Notes or Letters, Student Work Products or other methods.	**Evidence Type:** Videos, photos with additional support, or evaluation procedures listed **Evidence Number:** Place number next to each example before submitting portfolio	**Person(s) Responsible:**	**Progress**	**Progress**	**Progress**	**Progress**
a. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
b. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
c. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:
d. Example: Evaluation Procedure:	Evidence Type: Evidence Number:		Date: Result:	Date: Result:	Date: Result:	Date: Result:

BEST COPY AVAILABLE

CONSENT FOR INITIAL PLACEMENT

Student's Legal Name:________________________________ Birthdate: __________
(mm/dd/yyyy)

Eligibility Category: ____

I, as parent or guardian of the above named child, give my consent for the placement of my child in the special education program documented in my child's Individual Education Program (IEP), with the understanding that the need for this placement will be reviewed at least once annually in relation to my child's educational needs. I have been fully informed of all information relevant to the proposed program placement. I understand that the granting of consent is voluntary and may be revoked prior to the initial placement occurring.

The *Notice of Procedural Safeguards* is attached to this letter.

______________________________ _______________
Parent/Guardian/Surrogate Signature Date: (mm/dd/yyyy)

______________________________ _______________
Parent/Guardian/Surrogate Signature Date: (mm/dd/yyyy)

Sample[1]
Letter to Request Records for a Transfer Student

Dear ____________________________

The documents listed below are missing from the special education file for (Student name, and date of birth) that we received from your district. Please look for them in your files and send them to:

Special Education Director
School District
Address

Your help in making these files complete is greatly appreciated. If you are unable to send or fax these forms, please call ______________________________.

Forms Needed

_______ Initial referral
_______ Consent for evaluation
_______ Assessment reports (e.g., psychology, speech language)
_______ Consent for initial placement
_______ IEPs for the previous 5 years
_______ Discipline records for the past 2 years
_______ Behavior plans
_______ Evaluation Summary and Eligibility Report
_______ Consent for reevaluation
_______ Teacher observations
_______ Work samples
_______ Other

[1] Adapted from letter developed by Hope Eldridge, Special Education Teacher/Coordinator, Mt. Edgecumbe High School

____

Sample[2]

Transfer of Rights Letter

Dear ________________________:

This letter is to inform you that when (student name and date of birth) has his/her eighteenth birthday, he/she will be of age to begin making decisions about his/her educational career. This is formally called the "transfer of rights." It is important to maintain on-going communication with your child so that he/she makes the best choices.

If you have any questions, please do not hesitate to contact me.

Thank you.

Sincerely

[1] Adapted from letter developed by Hope Eldridge, Special Education Teacher/Coordinator, Mt. Edgecumbe High School

PROGRAM EXIT FORM

Student's Legal Name ______________________________ Date ______________
(mm/dd/yyyy)

Parent/Guardian Name ______________________________

Address ______________________________

Phone ______________________________

Date of exit: ______________________
(mm/dd/yyyy)

Reason for Exit:

☐ Student is no longer eligible for special education services based on a variety of assessments as documented in the Evaluation Summary and Eligibility Report.

☐ Student graduated with a regular diploma.

☐ Student reached age 22. (If the student reaches his or her 22nd birthday during the school year, the student is entitled to continue through the school year.)

☐ Student is deceased.

Student continues to be eligible for special education services if:

[ ] Student moved from the district. (Student cumulative file and special education records must be forwarded to receiving district.)

  [ ] Known to be continuing in a special education program.

  [ ] Not known to be continuing in a special education program.

[ ] Student dropped out of school.

  [ ] Parent and student have been informed in writing that the student may continue to receive special education services if he or she re-enrolls before reaching age 22.

APPENDIX E

PROCEDURAL SAFEGUARDS AND CONFIDENTIALITY FORMS

1. Prior Written Notice
2. Prior Written Notice, Informed Consent, and Notice of Procedural Safeguards Table and Explanation
3. Notice of Procedural Safeguards
4. Model Surrogate Parent Plan
    - Surrogate Invitation
    - Surrogate List
    - Training Session Agenda
    - Notice of Appointment
    - Notice of End of Appointment
5. Record of Access Form
6. Authorization for Release of Confidential Information
7. Sample Letter of Intent to Destroy Special Education Records

PRIOR WRITTEN NOTICE

Student's Legal Name:____________________ Birthdate: ______________ (mm/dd/yyyy) Date:______________ (mm/dd/yyyy)

The purpose of this letter is to notify you of the district's proposal to make a change, or the refusal to make a change, in your student's educational program. The details of the proposed action are indicated below.

Description of the proposed or refused action
Reason for proposed action
Description of evaluation procedure, test, record or report used in deciding to propose or refuse action
Description of other options considered, if any, and reason for rejecting them
Other factors that are relevant to the proposal or refusal

You have specific rights or procedural safeguards. A copy of those rights may be obtained from me or another school district representative. If you need an explanation of your rights or have any questions regarding this notice, please contact me.

____________________ (Name of District Personnel) ____________________ (Title) __________ (Phone)

For further assistance in understanding your parental rights you may contact:

PARENTS, Inc.
4743 E. Northern Lights Blvd.
Anchorage, AK 99508
Toll-Free in Alaska: 1 (800) 478-7678
(907) 377-7678
Fax (907) 337-7671
TTY: (907) 337-7629
E-mail: parents@parentsinc.org

Disability Law Center
3330 Arctic Blvd., Suite 103
Anchorage, AK 99503
(907) 565-1002
Fax (907) 564-1000
1 (800) 478-1234

Alaska Department of Education
& Early Development
801 W. 10th Street, Suite 200
Juneau, AK 99801
(907) 465-8693
Fax (907) 465-2806
Phone/TDD (907) 465-2800

Prior Written Notice, Informed Consent, and Notice of Procedural Safeguards

Steps in the Special Education Process	Action Required	Notice of Procedural Safeguards (PS)	
		Copy of PS	PS Statement on Form*
Initial referral	Verbal or written notification	X	
Initial evaluation	Prior Written Notice Informed Consent		X
Refusal to evaluate	Prior Written Notice		X
Student found ineligible for special education services	Prior Written Notice		X
IEP meeting	Notification	X	
Initial placement	Prior Written Notice Informed Consent		X
Reevaluation without further assessments conducted	Verbal or written notification		
Reevaluation with assessments conducted	Prior Written Notice Informed Consent	X	
District accepts out-of-district IEP and eligibility category	Prior Written Notice		X
Change of Placement	Prior Written Notice		X
Change in the type and amount of services	Prior Written Notice		X
Change in the IEP	Prior Written Notice		X
Exit from special education (including graduation)	Prior Written Notice		X
District refuses services requested by parent	Prior Written Notice		X
District proposes/refuses to change disability category	Prior Written Notice		X
District changes or destroys information in district files that personally identifies a child	Prior Written Notice		X
Intent to transfer parental rights (at least by 17-years of age)	Verbal or written notification		
Request for due process hearing		X	
Discipline	Verbal or written notification	X	

* For those actions that require Prior Written Notice, but DO NOT require provision of a copy of the Procedural Safeguards, the following statements must be included on the Prior Written Notice form:

1. A statement of the parents' protection under the Procedural Safeguards and a means by which a copy can be obtained, AND
2. Sources for parents to contact to obtain assistance in understanding the provisions of the Procedural Safeguards.

Adapted from the Missouri Department of Elementary and Secondary Education, Division of Special Education, Technical Assistance Bulletin, November, 1998.

Prior Written Notice, Informed Consent, and Notice of Procedural Safeguards

Prior Written Notice

What does IDEA 97 require?

IDEA 97 requires that a district provide the parent with a Prior Written Notice any time the district proposes or refuses to initiate or change the identification, evaluation, educational placement or FAPE to a student. Actions by districts that require a Prior Written Notice include:

1. **Initial Evaluation**

   Prior written notice must be provided to the parent and written informed consent received from the parent prior to conducting any assessments as part of an initial evaluation. A description of any evaluation procedures the district proposes to conduct must also be provided to the parent (if the notice relates to an action proposed by the district that also requires parental consent, the district may give notice at the same time it requires parent consent.)

2. **Initial Placement**

   Prior written notice must be provided to the parent and written informed consent received from the parent prior to the initial placement of a student in special education.

3. **Reevaluation**

   Prior written notice must be provided to a parent prior to conducting any tests/assessments as part of a reevaluation of a student with disabilities, unless the district has provided notice and made reasonable attempts to obtain consent and the parent has failed to respond. A description of any evaluation procedures the district proposes to conduct must be provided.

4. **Change of Placement**

   Prior written notice must be provided whenever the IEP Team determines that a change of placement is necessary.

Action Refused

Any time the district refuses the request of a parent to initiate or change the identification, evaluation, educational placement, or the provision of FAPE, the district must provide Prior Written Notice. Some examples of when this might occur are parental request for evaluation or reevaluation; parental request for a specific related service or program modification; parental request to change the placement.; parental request to change eligibility.

6. **Ineligibility**

   Prior written notice must be provided when a district evaluates a child and determines them to be ineligible for services under IDEA 97.

7. **Transfers from out of state or out of district**

   Upon the enrollment of a student with an existing IEP from another district or state, the district must provide Prior Written Notice to inform the parent whether it accepts the IEP and the eligibility determination.

8. **Change in the IEP**

   Prior written notice must be provided following any change in the IEP. This includes following an annual IEP meeting in which the parents are in attendance.

9. **Change in eligibility category**

   Prior written notice must be provided when a district intends to change the student's eligibility category.

10. **Changes to district files**

    Prior written notice must be provided before the district changes or destroys information in district files that personally identifies a child.

11. **Exit from special education**

    Prior written notice must be provided when special education services will end (including graduation).

Informed Consent

What does IDEA 97 require?

IDEA 97 requires that informed parent consent must be obtained before the district:

1. Conducts an initial evaluation
2. Conducts a reevaluation.
3. Initially places the child in a special education program.
4. Releases any personally identifiable information about the child to any person or agency not entitled by law to see it.

Consent means:

1. That the parent has been fully informed, in his or her native language or other mode of communication, of all information relevant to the activity for which consent is sought.
2. The parent understands and agrees in writing (the parent's signature on the consent form) to carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists any records that will be released and to whom.
3. The parent understands that the granting of consent is voluntary and may be revoked prior to the action requiring consent transpiring. However, once the evaluation has been completed, a parent may not revoke consent to revert the child to a previous status or have the evaluation disregarded.

Parental consent is **NOT** required before

1. Reviewing existing data as part of an evaluation or reevaluation
2. Administering a test or other evaluation that is administered to all children, unless consent is required of parents of all children.

Notice of Procedural Safeguards

What does IDEA 97 require?

IDEA 97 requires that a copy of the Notice of Procedural Safeguards be provided at a minimum upon:

1. **Initial referral for evaluation**

   At the point of referral, the district must provide to the parent a copy of the Notice of Procedural Safeguards. For a parent referral, it is the date that the district received either the verbal or written request from the parent to conduct an evaluation. For a district referral, it is the date that the screening/review team made the decision that an evaluation should be conducted.

2. **Each notification of an IEP meeting**

   A copy of the Notice of Procedural Safeguards must accompany each notification of an IEP meeting (whether written or verbal notification).

3. **Reevaluation of the child**

   When the IEP team has made a determination that assessments need to be conducted in order to gather data as part of a child's reevaluation, a copy of the Notice of Procedural Safeguards must accompany the prior written notice and consent to evaluate.

4. **Discipline**

   A copy of the Notice of Procedural Safeguards must accompany each notification of a disciplinary action that results in a change of placement.

5. **Request for due process hearing**

   Whenever a parent files a request for a due process hearing, a copy of the Notice of Procedural Safeguards must be provided.

Notifications

What does IDEA 97 require?

A district is required to notify parents of actions it is taking. Like a Prior Written Notice, these notifications have certain statements and information that they must contain and they must be provided to the parent prior to the district taking any action. However, unlike Prior Written Notice, not all of these notifications must be in writing. Districts must document any notifications given verbally. As with Prior Written Notices, some notifications require that the

Notice of Procedural Safeguards accompany them, and some do not. Notifications must be given under the following circumstances:

1. **Notification that no assessments are required as part of the reevaluation**

   If the IEP team determines that no assessments need to be conducted to complete the reevaluation, the district must notify the parent of this decision. The notification that no further assessments are necessary must include:

   - what the determination was and the reasons for it, and
   - the right of parents to request an assessment to determine whether the child continues to be a child with a disability.

   The notification may be provided either verbally or in writing and does not have to be accompanied by the Notice of Procedural Safeguards.

2. **Notification of an IEP meeting**

   Districts must take steps to ensure that one or both parents are present at each IEP meeting or are afforded the opportunity to participate. This requires that the district:

   - notify the parents of the IEP meeting early enough to ensure that they have an opportunity to attend.
   - schedule the meeting at a mutually agreed upon time and place.

   This notification may be provided either verbally or in writing. In either case, the required components are the same and must be either accompanied by, or followed up with, a copy of the Notice of Procedural Safeguards.

   All IEP meeting notifications must contain the following

   - Purpose of the meeting
   - Time, date, and location of the meeting.
   - Who will be attending the meeting.

3. **Notification of Transfer of Rights**

   One year prior to the student's 18th birthday, the district must notify both the student and the parents of the Parental Rights under Part B which will transfer to the student upon reaching the age of majority.

Adapted from the Missouri Department of Elementary and Secondary Education, Division of Special Education, Technical Assistance Bulletin, November, 1998

ALASKA DEPARTMENT OF EDUCATION &
EARLY DEVELOPMENT

NOTICE OF PROCEDURAL SAFEGUARDS

PARENTAL RIGHTS FOR SPECIAL EDUCATION

Office of Special Education Programs
801 West 10th Street, Suite 200
Juneau, AK 99801-1894
www.eed.state.ak.us/tls/sped/

(907) 465-8693
(907) 465-2800 v/tty
(907) 465-2806 FAX

September 2001

Dear Parents:

This booklet describes your rights and procedural safeguards under Alaska law and regulations, and the federal Individuals with Disabilities Education Act as amended in 1997 (IDEA 97) and the corresponding regulations. If your child is not currently receiving special education services, you have been given this booklet either because you asked that your child receive special services or the district believes that special education services may be necessary. If your child is already receiving special education services, this booklet is being provided because an activity is being proposed or has occurred that requires that parents be given a complete explanation of the procedural safeguards under IDEA 97.

As a parent of a child with a suspected or identified disability, it is very important that you are active in helping shape decisions regarding your child's educational program. Please review and study the information contained in this booklet. You may want to talk with others about this information or because you have concerns and questions. I encourage you to speak with your child's teacher or teachers, the building principal, or a special education administrator in your district. This informal conversation frequently solves the problem and helps maintain open communication. A list of additional resources is provided at the end of this booklet.

All of us are working together to design an educational program that meets your child's unique needs. Your voice added to the cooperative efforts of school district personnel, community agencies, and others will further ensure that every Alaskan child with a disability receives a free appropriate public education.

Sincerely,

Greg Maloney, Ed.S., NCSP
State Director of Special Education
Alaska Department of Education & Early Development

TABLE OF CONTENTS

Introduction ... 3
For More Information ... 3
Parent Participation ... 4
Parent Consent ... 4
Prior Written Notice ... 4
Reevaluation ... 6
Access to Educational Records ... 6
Independent Educational Evaluations ... 8
Opportunity to Present Complaints ... 9
School Discipline and Placement In Interim Alternative Setting ... 14
Children Attending Private Schools ... 17
Other Resources ... 19

Appendix

Notice of Request for Due Process Hearing

Children With Disabilities Under Section 504

Some children may have a disability that affects a major life activity but does not fit into one of the categories of disability under the Individuals with Disabilities Education Act (IDEA 97). These children may be protected by a different federal law; Section 504 of the Rehabilitation Act of 1973. The rights of "504 only" children and their parents are in some ways similar and in some ways different from the procedural safeguards described in this booklet. For more information about Section 504, contact your school district's Section 504 coordinator.

Introduction

This booklet provides parents[1] of children with disabilities from age 3 through age 21 an overview of their educational rights, sometimes called **procedural safeguards.** This booklet is your **Notice of Procedural Safeguards.**

This Notice of Procedural Safeguards must be given to you when you ask for a copy and:

- the first time your child is referred for a special education evaluation;
- each time an individualized education program (IEP) meeting is scheduled for your child;
- each time your child is reevaluated;
- if you request a due process hearing;
- if the school district takes disciplinary action involving a change in placement; or,
- if the school district places your child in an interim alternative educational setting for up to 45 days for certain drug and weapons-related misconduct.

The Individuals with Disabilities Education Act (IDEA) Amendments of 1997 (hereafter referred to as IDEA 97) is a federal special education law that requires school districts to provide a free appropriate public education to eligible children with disabilities. A free appropriate public education means special education and related services, described in an IEP, and provided to children in the least restrictive environment. IDEA 97 also includes the procedural safeguards in this booklet.

FOR MORE INFORMATION

Your local school district is the first stop for more information. There are a number of people in the school district who can answer questions about your child's education. You may contact your child's general or special education teacher or the school principal. You can also contact the special education administrator for your school district. Other resources are listed at the end of this booklet.

---

[1] The term parent means a parent, a guardian, a person acting as a parent, or a person appointed as a surrogate parent.

PARENT PARTICIPATION

Your participation is valuable. You will be given opportunities to participate in meetings about identification, evaluation, eligibility, educational placement of your child, and other matters relating to your child's free appropriate public education (FAPE). This includes the right to participate in meetings to develop your child's IEP.

PARENT CONSENT

The First Evaluation. The school district must have your informed written consent before it can evaluate your child. The school district must inform you about the evaluations to be used with your child. The evaluation must include a variety of tools and strategies, including information you provide.

Reevaluation. The school district must have your informed written consent before reevaluating your child. However, the school district may reevaluate your child without your written consent if the school district can demonstrate that it has taken reasonable measures to get your consent and you have not responded. If you refuse consent you must clearly inform appropriate school staff of your refusal, preferably in writing.

Initial Placement in Special Education. You must give your informed written consent before the school district can initially place your child in a special education program.

Exchange of Information. Your informed consent is required before the district releases any personally identifiable information about your child to any person or agency not otherwise entitled by law to see it.

Refusal or Revoking Consent. You can refuse consent for an evaluation, a reevaluation, or the initial placement of your child in special education. Your consent may be revoked if the action for which consent was given has not already taken place. The school district may seek to evaluate or place your child in special education through a due process hearing, if it believes it is necessary for your child in order to receive a free appropriate public education. You and the school district may agree to first try mediation to resolve your disagreements.

PRIOR WRITTEN NOTICE

In addition to being a participant in decision-making, you have the right to prior written notice from the school district after important decisions are made that affect your child's special education but before those decisions are put into place. These include decisions to:

- identify your child as a child with a disability, or change your child's eligibility from one disability to another;
- evaluate or reevaluate your child;
- develop an IEP for your child, or change your child's IEP; or,
- place your child in a special education program, or change your child's special education placement;
- change or destroy information in district files that personally identifies your child;
- determine whether your child's disability was the reason for misbehavior that requires disciplinary action resulting in a change of placement; or
- cease all special education programming (including graduation).

You also have the right to prior written notice from the school district when the district refuses your request to:

- identify your child as a child with a disability, or change your child's eligibility from one disability to another;
- evaluate or reevaluate your child;
- develop an IEP for your child, or change your child's IEP; or,
- place your child in a special education program, or change your child's special education placement.

Prior written notice must include:

- a description of the action proposed or refused by the school district;
- an explanation of why the district proposes or refuses to take action;
- a description of any other options the district considered and the reasons why those options were rejected;
- a description of each evaluation procedure, test, record or report used as a basis for the action proposed or refused;
- a description of any other factors relevant to the action proposed or refused;
- a statement that parents of a child with a disability are protected by the procedural safeguards described in this booklet and if the notice is not for an initial referral, a statement of how to get of copy of this *Notice of Procedural Safeguards* booklet; and
- sources for you to contact to get help in understanding these procedural safeguards.

The notice must be written in language understandable to the general public. If you have trouble understanding this or any other document, please ask your local school personnel to explain any terms or procedures that remain unclear.

Prior written notice must be provided in your native language unless it is clearly not feasible to do so, in which case, the district must communicate the information to you in some other way. An interpreter may be provided for parents with limited English proficiency who speak another language. If a parent is deaf, blind or has no written language, the district must assure that the content of the notice is provided in the mode normally used (such as sign language, Braille or oral communication).

If you disagree with a proposed action after receiving notice, you should call your child's principal or the district special education administrator to discuss the matter. If you are unable to come to an agreement, you have the right to a due process hearing by an impartial third party. (Due process hearings are discussed in more detail later in this document.) If, within 10 days of receiving the written notice, you file a written objection to the proposed action, the change cannot occur, pending the results of the due process hearing.

REEVALUATION

Your child must be re-tested (reevaluated) when conditions warrant, if you or your child's teacher requests a reevaluation, but at least once every three years. If the IEP team determines that no additional data are needed to determine whether your child continues to have a disability or continues to need special, the school district must notify you of that decision and the reasons for it. Under these circumstances, the school district is not required to do an assessment of your child. However, you still have the right to request that the district conduct an assessment to determine whether your child continues to be eligible for special education.

ACCESS TO EDUCATIONAL RECORDS

IDEA 97 and the Family Education Rights and Privacy Act (FERPA) contain provisions that protect the confidentiality of student records. These laws also provide parents the right to review and inspect records. The district will assume that each parent has the right to inspect and review their child's educational records unless the district has received legal documents limiting parent access to those records.

The district maintains a list of the types and locations of educational records used by the school district. Documentation is maintained in your child's record of persons, other than yourself and authorized school district personnel, who have examined the records, the date access was given and the purpose for which the person was authorized to use the records.

You have the right to inspect and review all of your child's education records:

- without unnecessary delay;
- before any meeting about your child's IEP;
- before any due process hearing related to your child; and, in any case,
- within 45 days of your request.

The right of inspection includes:

- an explanation and interpretation of the records by school district personnel;
- the right of the district to charge a fee for copies of records that are made for you if the fee does not effectively prevent you from exercising your rights to inspect and review those records; and
- the right to have your child's records inspected and reviewed by a representative of your choosing.

Requests to look at your child's records should typically be made to the building principal or to the special education administrator for your school district.

Changing Information in a Record. After reviewing your child's educational records, you may ask the school district to change any information you believe is inaccurate or misleading or violates your child's privacy or other rights. The district will make those changes or reject your request within a reasonable period of time. If your request is rejected, the district must inform you of the rejection and that you have a right to a hearing under the Family Educational Rights and Privacy Act (FERPA).

After the hearing, the following steps will be taken:

- If the hearing decision is that the record is incorrect, misleading, or violates your child's privacy or other rights, the district will amend the record accordingly, and will inform you in writing.
- If the hearing decision is to not amend the record, you may place a statement in the records stating why you do not agree with the district's record. The district, as part of your child's records, will maintain this statement. Any time your child's records are released, this statement will be part of the records.

Disclosure of Records. Your consent must be obtained before allowing information to be used for a purpose other than which it was collected or before disclosing personally identifiable information about your child to anyone not entitled to see it. You can see the names and positions of school district employees entitled to see personally identifiable information about your child at the location where the files are maintained.

Destruction of Records. The school district must maintain educational records until no longer needed to provide educational services, but not fewer than five years.

If personally identifiable information collected, maintained, or used is no longer needed by the district, that information may be destroyed. The district will make reasonable efforts to notify you and offer a copy of the record to be destroyed. A reasonable effort would be written correspondence to the last known address of the parent.

INDEPENDENT EDUCATIONAL EVALUATIONS

An independent educational evaluation is an evaluation by a qualified examiner who is not an employee of the school district responsible for your child. You may ask for an independent educational evaluation at school district expense if you disagree with an evaluation completed by the school district.

The school district must respond to your request within a reasonable time. If the school district believes that its evaluation is appropriate, it may request a due process hearing. If the school district shows at a hearing that its evaluation is appropriate, the school district will not have to pay for an independent educational evaluation. You may still get an independent educational evaluation at your own expense.

School districts must maintain a list of public and private agencies qualified to conduct independent educational evaluations. This list is available on request. Typically, requests for this list should be made to your school district's special education administrator. Independent evaluators must have the same qualifications, use the same criteria for evaluations, and conduct the evaluation in a similar setting as district evaluators.

The results of independent educational evaluations (whether conducted at district or parent expense) must be considered by the school district when taking further action regarding your child with respect to the provision of a free appropriate public education. These evaluations may be considered as evidence in a due process hearing.

A hearing officer may also order an independent educational evaluation of your child at school district expense during due process hearing proceedings.

OPPORTUNITY TO PRESENT COMPLAINTS

If you have concerns about your child's special education services, the first step is to talk to your child's regular or special education teacher, the building principal or the school district's special education administrator. It helps to deal with concerns when they first arise so steps can be taken as soon as possible to support the working relationship among parents, staff, and children. If the concerns are not resolved, you can take further steps to address them, including a written complaint to the Alaska Department of Education and Early Development (AK EED), mediation, and/or requesting a due process hearing.

Written Complaint

If you believe the school district has violated IDEA 97 or state regulations, you may file a written complaint with AK EED. Complaints must allege violations that occurred not more than one year prior to the filing of the complaint, unless the violation is continuing or you are requesting compensatory services for a violation that occurred not more than three years ago.

This complaint must describe the problem(s), include your name and contact information, and give specific facts about the problem(s). Your complaint should be sent to:

Alaska Department of Education & Early Development
Office of Special Education Programs
801 West 10th Street, Ste. 200
Juneau, AK 99801-1894

If you file a written complaint of this type, the department will assign a complaint investigator who must complete the investigation within 60 days. You will be given the opportunity to submit additional information, either orally or in writing about the allegations in the complaint. A written report will be issued to you and the district that addresses each allegation in the complaint and will contain findings of fact, conclusions of law and the reasons for the final decision. As appropriate, technical assistance activities or corrective actions may be assigned in order to achieve compliance with IDEA or state regulations.

Mediation

Mediation is a voluntary process that brings together an impartial mediator and the parties to a dispute in an attempt to resolve the disagreement through a structured, yet informal meeting. Qualified mediators are trained in mediation techniques and are knowledgeable about special education laws and regulations. If a mediator is not selected on a random basis from the list of qualified mediators, both parties must be involved in selecting the mediator and agree with the selection of the individual who will mediate. Sessions are scheduled at times and in places convenient to the parties. Any agreement reached through mediation will be set forth in a written agreement. Discussions that occur during the mediation process are confidential and may not be used as evidence in subsequent due process hearings or in court proceedings. The parties may be required to sign a confidentiality pledge prior to beginning the mediation process.

You are encouraged to request mediation whenever a dispute arises in the IEP process. Mediation is an alternative, but not a prerequisite to a due process hearing or the filing of a written complaint. If you request a due process hearing, the district must offer mediation. However, mediation cannot be used to delay the right to a due process hearing or the 45-day timeline established for hearings, although both parties may request the hearing officer to postpone the hearing, pending mediation efforts.

A telephone or written request for mediation should be made to:

Alaska Special Education Mediation Services
C/O Dave Thomas
PO Box 4750
Whitefish, Montana 59937
Phone Toll Free: 1-800-580-2209
Fax: 1-406-863-9229

Due Process Hearing

To resolve disputes between parents and school districts, both parties have the right to an impartial due process hearing. A due process hearing may be requested by you or by a student who is at least 18 years old but less than 22 years old. A hearing can be sought because of a disagreement concerning certain aspects of the student's educational program – that is, if the district proposes or refuses to initiate or change the identification, evaluation or educational placement of your child or the provision of a free appropriate public education. The request for a due process hearing must be made in writing to the district special education administrator or superintendent. A model form is included in this booklet. The form is also available from the district special education administrator or from the AK EED.

Your hearing request must include:

- your child's name and address and the name of the school that your child is attending;
- a description of the problem, including specific facts about the problem; and
- any suggestions you have for solving the problem, to the extent known at the time.

Following are some of the reasons you might seek a hearing:

1. The district refuses to identify, evaluate or appropriately serve your child.
2. You disagree with a proposed IEP.
3. You object to termination of your child's special education program.
4. You believe the district's proposed placement will not meet your child's needs as set forth in the IEP.
5. You believe a placement is not in the least restrictive environment necessary to meet your child's needs.
6. You disagree with a proposed change of placement.
7. You disagree with the decision about the relationship between your child's disability and the behavior that resulted in disciplinary action.
8. You disagree with the intent to graduate your child.

A school district also may request a due process hearing when a parent refuses consent for evaluation or placement or to demonstrate that the school district has conducted an appropriate evaluation and/or offered a free appropriate public education.

A person known as an impartial hearing officer conducts the hearing. This person has knowledge of the law pertaining to children with disabilities and has received training on conducting a due process hearing. The hearing officer will be appointed from a list maintained AK EED. In Alaska, the district will contact the department to request appointment of a hearing officer. The department will select a hearing officer through a random selection process, from a list maintained by the department. Within 5 business days after receipt of the request, the department will provide you and the district a notice of appointment, including the name and a statement of the qualifications of the hearing officer the department has determined eligible to conduct the hearing.

You and the district each have the right to reject, without stating a reason, one hearing officer appointed by the department. You or the district must send written notice of the rejection to the department within five days after receiving the department's notice of appointment. The department will, within 5 business days after receipt of the written rejection, provide a notice of appointment of another hearing officer to conduct the hearing. Each appointment is subject to a right of rejection by a party who has not previously rejected an appointment.

Immediately following his/her appointment, the hearing officer shall inform the parties of the availability of mediation and encourage use of that process to attempt to resolve the disagreement between the parent and the school district. However, the hearing officer may not act as a mediator to the dispute.

A hearing officer cannot be an employee of the Alaska Department of Education and Early Development (EED) or the school district involved in the education or care of your child. The due process hearing and any oral argument will be conducted at a time and place that is convenient to you and your child, who may be present. The hearing officer will open the hearing to the public at your request; otherwise the hearing is closed to the public.

A party to a hearing has certain rights, including:

- the right to be accompanied and advised by an attorney;
- the right to bring one or more individuals who have knowledge or training about children with disabilities;
- the right to present evidence and confront, cross-examine, and require witnesses to be present;
- the right to prohibit the introduction of any evidence that was not disclosed at least five days prior to the hearing;
- the right to a written, or, at the option of the parents, an electronic verbatim record of the hearing; and,
- the right to written, or, at the option of the parents, electronic findings of fact and decisions.

The hearing must be conducted and a copy of the hearing officer's decision must be mailed to both parties no more than 45 days after the hearing was requested. However, this date may be delayed if the hearing officer has granted a specific extension of time following the request of either party. The hearing officer must reach a decision and provide a copy of a written, or at your option, electronic findings of fact and decisions to each of the parties. A copy of the final order will be submitted to the AK EED. The state department, after removing any personally identifiable information, will transmit the findings and decision to the Governor's Council on Disabilities and Special Education. The decision is a public record. The due process hearing decision is final unless either party appeals the decision to state or federal court for review.

Disclosure of Evidence before Hearing. At least five business days before the hearing, each party is required to disclose to the other any evidence it intends to introduce at the hearing; either party can prohibit the use of any evidence that is not so disclosed. At least five business days before a hearing, school districts and parents must disclose to each other all evaluations of the student completed by that date and recommendations based on those evaluations that are intended to be used at the hearing. A hearing officer may bar any party that fails to comply with this rule from introducing the undisclosed evaluations or recommendations at the hearing without the consent of the other party.

Child's Placement During Proceedings. During the process of hearing or judicial review, your child remains in his or her current educational placement. This "stay put" rule applies unless:

- You and the school district agree to another placement;
- Your child is applying for initial admission to a public school and you consent to your child's placement in the public school program; or
- School personnel or a hearing officer removes your child to an interim alternative educational setting. (See information regarding alternative educational settings under the School Discipline section of this document.)

Appeal for Judicial Review. The decision by the impartial hearing officer is final unless you or the district appeals the decision to the appropriate state or federal court. Appellate Rule 602 requires that the appeal be made within 30 days of the final order. If you file a civil action, the court must:

- receive the record of the hearing;
- hear additional evidence at the request of a party;
- base its decision on the preponderance of the evidence; and,
- grant such relief as the court determines is appropriate.

Attorney Fees. If you are represented by an attorney and you substantially prevail in any hearings or lawsuit, you may be entitled to recover your attorney's fees from the school district. You can substantially prevail without obtaining all the relief that you wanted from the district. However, whether you are entitled to attorney's fees can be a difficult determination and must be made by a court; not by the hearing officer.

Attorneys' fees may not be awarded and related costs may not be reimbursed in any action or proceeding for services performed subsequent to the time of a written offer of settlement to you by the district if:

- the offer is made at least 10 days before an administrative or civil proceeding begins; and
- you do not accept the offer within 10 days after it was made; and
- a court or administrative hearing officer finds that the relief you finally obtained from the hearing officer or court action was not more favorable to you than the offer of settlement.

Attorneys' fees may not be awarded:

- to you for legal representation at an IEP meeting unless such a meeting is convened as a result of an order by a hearing officer or by judicial action; or

- for a mediation that is conducted prior to a request for a due process hearing.

A court may reduce an award for attorneys' fees if:

- you, during the course of the action or proceeding, unreasonably extended the final resolution of the controversy;
- the amount of the request unreasonably exceeds the prevailing rate in the community for similar services by attorneys of reasonably comparable skills, reputation and experience;
- the time spent and legal services rendered were excessive considering the nature of the action; or
- the attorney representing you did not provide all of the information required in a due process hearing request.

SCHOOL DISCIPLINE AND PLACEMENT IN INTERIM ALTERNATIVE EDUCATIONAL SETTING

Short Term. Short-term removals are removals of up to 10 school days -- at one time or combined in a school year. School personnel may use short-term removals, including suspension, moving your child to an appropriate interim alternative educational setting or putting your child in another setting, to the same extent these options would be used with children without disabilities.

Longer Removals. Longer removals include suspensions and expulsions that add up to more than 10 days in a school year. These removals are called a change of placement. You must be notified of the disciplinary action and be given a copy of this *Notice of Procedural Safeguards* not later than the date on which the disciplinary action that constitutes a change of placement is made,

School districts cannot take this kind of action for misconduct that is a manifestation of the student's disability. If school staff is considering a longer removal, the district must convene the IEP team, of which you are a member, to conduct a review of the relationship between your child's disability and the behavior that resulted in the disciplinary action. This is called a "manifestation determination." This meeting must take place immediately, if possible, or within 10 days of the school district's decision to take this type of disciplinary action.

Manifestation Determination. The IEP team determines whether the misconduct is a manifestation of your child's disability. You will be invited to participate as a member of this team. The IEP team may determine that the behavior was **not** a manifestation if the IEP team:

- reviews all relevant information, including:

  - ◊ test results, and any independent educational evaluations;
  - ◊ information provided by the parents;
  - ◊ observations of the child; and,
  - ◊ the child's IEP and placement;

- and determines that, in light of the misconduct:
  - ◊ your child's IEP and placement were appropriate;
  - ◊ the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with your child's IEP and placement; and
  - ◊ your child's disability did not impair the ability to understand the impact and consequences of the misconduct; and,
  - ◊ your child's disability did not impair the ability to control the misconduct.

If the IEP team concludes that the misconduct was **not** a manifestation of your child's disability:

- The school district may take disciplinary action, such as expulsion, in the same manner as it would for children without disabilities;
- If an expulsion hearing is required, the school district must make sure that the special education and disciplinary records of your child are provided to the expulsion hearing officer; and,
- The school district must continue to provide a free appropriate public education to your child consistent with the child's individual needs.

If you disagree with the IEP team's decision, you can request an expedited due process hearing. If you request a hearing regarding a disciplinary action to challenge the interim alternative educational setting or the manifestation determination, your child shall remain in the interim alternative educational setting pending the decision of the hearing officer, or until the expiration of the interim alternative educational placement time line, unless you and the district agree otherwise.

If the time line for the interim alternative educational placement expires during the hearing, your child shall return to his or her placement prior to the interim alternative educational setting. However, if school personnel maintain that it is dangerous for your child to return to that placement, the school district may request an expedited hearing to ask a hearing officer to order your child to continue in an alternative educational setting.

Behavior Intervention Plan (BIP). Either before or within 10 days of taking a disciplinary action that results in removal of your child from the current educational placement, the school district must take certain actions. If, before the behavior that resulted in the suspension, the district had not conducted a functional behavioral assessment and implemented a behavior intervention plan, the district must convene an IEP meeting to develop an assessment plan to address the misconduct. If the student already had a behavior intervention plan, an IEP team must review and modify the plan, as necessary, to address the behavior.

Weapon and Drug-Related Misconduct. School personnel may move a child to an interim alternative educational setting for 45 days if:

- the child carries a weapon to school or to a school function; or,
- the child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function;
- the student is determined dangerous in an expedited due process hearing; and
- the interim alternative educational setting meets the requirements listed below.

Removal by a Hearing Officer. A hearing officer may move a child to an interim alternative educational setting if:

- the district demonstrates by substantial evidence that maintaining the child in the current educational placement would be substantially likely to cause injury to the child or others;
- the public agency has made reasonable efforts to minimize the risk of harm in the current placement;
- the hearing officer considers the appropriateness of the current educational placement; and
- the hearing officer determines that the interim alternative educational setting meets the requirements listed below.

Interim Alternative Educational Setting (IAES). If school personnel place your child in an interim alternative educational setting for violation of school rules, you must be notified of the disciplinary action to be taken, and receive a copy of this *Notice of Procedural Safeguards* no later than the date on which the decision to take disciplinary action is made or a placement change is implemented, whichever comes first.

Any interim alternative educational setting must:

- Allow your child to continue to participate in the general curriculum, although in a different setting;
- Allow your child to continue to receive services and modifications, including those described in your child's IEP, to enable your child to meet IEP goals; and,

- Include services and modifications designed to address the child's behavior that resulted in the disciplinary action so that it does not recur.

The specific interim alternative educational setting must be determined by the child's IEP team, including parents. The IEP meeting must occur either before, or within 10 days after, any disciplinary placement change is made. The purpose of the meeting is to consider the problem behavior that led to the disciplinary placement change and do the following:

- Review and modify your child's behavioral intervention plan as needed to address the problem behavior; or
- Develop an assessment plan to address the problem behavior, if the district has not previously conducted a functional behavioral assessment and implemented a behavioral intervention plan; and
- Review the relationship between your child's disability and the behavior subject to the disciplinary action.

CHILDREN ATTENDING PRIVATE SCHOOLS

Children who are enrolled by their parents in private schools may participate in publicly funded special education and related services. Federal law permits special education and related services to be provided at the private school to the extent consistent with state law.

When Reimbursement is Not Required. Some children with disabilities are enrolled in private schools by their parents. School districts are not required to pay for the cost of education, including special education and related services, of a child with a disability at a private school or facility if the school district made a free appropriate public education available to the child and the parents chose to place the child in a private school or facility.

When Reimbursement May Be Required. A court or hearing officer may require a school district to reimburse parents for the cost of private school placement made without the consent of or referral by the school district only if:

- the child received special education and related services under the authority of a public agency before enrolling in the private school; and,
- the court or hearing officer finds that, at that time, the school district did not make a free appropriate public education available to the child in a timely manner.

When Reimbursement May Be Reduced or Denied Under the following three conditions, reimbursement for services may be reduced or denied:

1. Notice before removing child from public school.

The court or hearing officer may reduce or deny reimbursement if you do not inform the school district that you are rejecting the placement proposed by the school district and state your concerns and intent to enroll their child in a private school at public expense.

This notice must be given either:

- at the most recent IEP meeting that you attended before removing your child from public school; or
- in writing to the school district at least (10) ten business days (including holidays that occur on a business day) before removing your child from public school.

A court or hearing officer may **not** reduce or deny reimbursement if a parent does not give this notice because:

- the parent is illiterate and cannot write in English;
- the reduction or denial of payment would likely result in physical or serious emotional harm to the child;
- the school prevented the parent from giving notice; or,
- the parent had not received a copy of this *Notice of Procedural Safeguards* or otherwise been informed of this notice requirement.

2. Evaluation by school district.

The court or hearing officer also may reduce or deny reimbursement if you do not make your child available for an evaluation by the school district, providing:

- the school district gave prior written notice of its intent to evaluate or reevaluate your child;
- the purpose of the evaluation as described in the prior written notice was appropriate and reasonable; and,
- the prior written notice was given before your child was removed from the public school.

3. Unreasonableness.

Reimbursement may also be reduced or denied upon a judicial finding that you were unreasonable in your actions.

OTHER RESOURCES

The publicly funded organizations listed here may be able to assist you in understanding the procedural safeguards and other provisions of IDEA 97.

- Your Local School District

- P.A.R.E.N.T.S., Inc.
  Toll Free: 1-800-478-7678
  Fax: (907) 337-7671
  Website: http://www.alaska.net/~parents

- Alaska Department of Education & Early Development
  Office of Special Education Programs
  Juneau: (907) 465-8693 (ask to speak with a program manager)
  Website: http://www.educ.state.ak.us/tls/sped/home.html

- National Information Center for Children and Youth with Disabilities (NICHCY)
  Toll Free: (800) 695-0285
  Website: http://www.nichcy.org/

- Disability Law Center
  Anchorage: (907) 344-1002
  Juneau: (907) 586-1627
  Fairbanks: (907) 456-1070
  Bethel: (907) 543-3357
  Toll Free: (800) 478-1234

- The **Governor's Council on Disabilities and Special Education** serves as Alaska's State Advisory Panel. The Council meets several times each school year in different locations around the state. Each meeting includes a time for public comment. Information about the council and its meeting schedule are available by calling (907) 269-8990.

NOTICE OF REQUEST FOR DUE PROCESS HEARING

(Information that is requested in all shaded boxes must be provided. This form may be completed by the parent of the child with a disability or, if appropriate, the attorney representing the child.)

1. CHILD

CHILD'S NAME	CHILD'S ADDRESS	CHILD'S DATE OF BIRTH
SCHOOL OR PROGRAM ATTENDED	SCHOOL / PROGRAM ADDRESS	SCHOOL CONTACT NAME & NUMBER
PARENT OR GUARDIAN	PARENT / GUARDIAN ADDRESS (IF DIFFERENT)	PARENT / GUARDIAN PHONE
ATTORNEY OR LEGAL REPRESENTATIVE	ADDRESS	PHONE / FAX NUMBERS
MAIL TO: [enter district contact here]		

BEST COPY AVAILABLE

2. PROBLEM

PARENTS CAN REQUEST A HEARING IF THEY DISAGREE WITH THE IDENTIFICATION, EVALUATION, EDUCATIONAL PLACEMENT OR PROVISION OF A FREE APPROPRIATE PUBLIC EDUCATION (FAPE) TO THEIR CHILD.

DESCRIBE THE PROBLEM WITH YOUR CHILD'S SPECIAL EDUCATION PROGRAM, AND THE SPECIFIC ACTIONS THAT THE SCHOOL DISTRICT HAS TAKEN OR REFUSED TO TAKE. INCLUDE FACTS ABOUT THE PROBLEM.

BEST COPY AVAILABLE

3. PROPOSED SOLUTION

DESCRIBE WHAT YOU THINK NEEDS TO BE DONE TO SOLVE THE PROBLEM, IF YOU KNOW OR HAVE ANY SPECIFIC IDEAS AT THIS TIME.

BEST COPY AVAILABLE

MODEL SURROGATE PARENT PLAN

I. Rationale for Appointing Surrogate Parents

Federal and State laws establish the importance of parent participation in the educational decision-making process for their children. Parents often give insight and information that is invaluable in planning an appropriate program for their child. The parent represents the interests of the child in the educational process. Because special educators recognize that the absence of a parent from the special education process may adversely affect decisions regarding the student, federal and state laws and regulations require school districts to appoint a surrogate parent when the parent of a child with a disability cannot be identified and located.

II. Determination of Need to Appoint a Surrogate Parent

A child may be entitled to a surrogate parent if the child is 3 through 17 years of age or the child is 18 through 21 years of age and has been adjudicated incompetent by a court, or if the child is between 18 and 22 years old and the district determines that it is in the best interest of the child to be appointed a surrogate parent even though the child has attained the age of majority.

A. Within 5 days of the decision to take any action requiring parent participation, or consent, the district attempts to find the parents of the child with a disability.

1. Each attempt must be documented in writing. Attempts to locate the parent include phone calls, letters, certified letters with return receipts, visits to the home, and interviews with relatives and other individuals who may have knowledge of the whereabouts of the child's parent.

2. If the district identifies a person who claims to be a guardian, and one or more other persons also claim such a role, the Special Education Director should immediately refer the matter of who is the lawful guardian of the child to the appropriate Family Court for expedited

consideration. Pending the outcome of this proceeding, the district should appoint a surrogate parent for the child.

B. If no parent or guardian is found, the district appoints a surrogate parent for the child. The appointment is made within 3 days of determining that the parents cannot be found.

C. The district may appoint a surrogate parent at the request of a parent, if the parent can demonstrate that he or she is not able to protect the rights of the child due to extraordinary circumstances. For example, the distance between the parent's residence and the child's location may be so great that the parent's participation in the educational decision-making process would be substantially impaired.

Note: The educational placement of a child who has been identified by the district as entitled to a surrogate parent shall not be changed until 10 days after appointment of a surrogate parent.

III. Qualifications and Training of Surrogate Parents

A. A person is qualified to serve as a surrogate parent when the district determines the person meets the following qualifications:

1. Has no personal or professional interest that could conflict with the interest of the child.

2. Is not employed by a public agency that is involved in the education or care of the child. (A person who otherwise qualifies as a surrogate parent is not considered an employee of a district solely because he is paid by the district to serve as a surrogate parent.)

3. Has knowledge and skills that assure adequate representation of the child.

4. In general, is familiar with the state and federal requirements for special education and with the nature of the child's disability.

5. Has participated in a training program for surrogate parents and conducted by the district.

Note: An employee of a nonpublic agency that only provides non-educational care for the child and who meets the above standards may serve as a surrogate parent if all other requirements above are met.

B. The district should recruit individuals from the community to train to serve as surrogate parents. Interested individuals who are judged to be otherwise qualified are sent an invitation for training. (See Surrogate Invitation in Addendum.) The following list of community resources is offered as a source of individuals who might serve as surrogate parents.

1. PTA groups;

2. Parents of children with disabilities;

3. Parent Advisory Boards at local schools;

4. Native Associations;

5. Faculty and student groups at local colleges and universities;

6. United Way volunteer recruitment programs;

7. Local Mental Health Associations;

8. Local Associations for Retarded Citizens;

9. Local chapters of various associations for children, such as:
    - Association for Children with Learning Disabilities
    - Council for Exceptional Children
    - Easter Seal Society
    - Epilepsy Foundation of Alaska

- National Association for the Education of Young Children
- National Paraplegia Foundation
- Organization for Visually Impaired Children
- Society for Understanding Deafness
- United Cerebral Palsy of Alaska
- Spina Bifida Association
- Tuberculosis League

10. The League of Women Voters;

11. Kiwanis, Jaycees, Lions, Elks, Soroptimists, and Rotary;

12. Local advocacy groups.

C. The district shall maintain a list of individuals trained to serve as surrogate parents. The list includes each surrogate parent's current and previous employment, experience with children with disabilities, possible conflict of interest, and other information considered relevant by the district (see Surrogate List format in this appendix).

D. All individuals on the list are provided training including information in the following areas:

1. The role of the surrogate parent;

2. State and federal requirements for special education

3. The rights and responsibilities of parents in the educational decision-making process; and

4. The procedure that a surrogate parent follows if the surrogate parent believes that circumstance regarding the surrogate parent's role may create a conflict with the interest of the child, including the procedure for

immediately notifying the district if such a potential conflict exists (see Training Agenda in this appendix).

5. The nature of the child's disability

IV. Appointment of Surrogate Parent for Individual Child

A. In selecting the surrogate parent the district does not select any person from the list who:

1. Is an employee of an agency assigned as the child's guardian, or an employee who exercises the rights of a guardian as a part of his job with the State;

2. Is a foster parent currently serving as a custodian of the child unless the foster parent has served as foster parent for a particular child for a long period of time, usually two years or more, and it is reasonable to assume that DFYS will not be moving the child to a different foster situation in the foreseeable future. The foster parent must be willing to make the educational decisions required of parents of children with disabilities;

3. Is employed by an agency involved in the care and treatment of the child; or

4. Has interests that are in conflict with the interests of the child.

B. A conflict of interest exists for a person as a surrogate parent if:

1. The person might benefit personally or professionally from decisions regarding the child;

2. The person may be required to make decisions regarding the child that might affect policy in which the individual has a personal or professional interest;

3. The person is not able to faithfully represent the child because of an institutional bias or interest.

C. Upon determination that the individual selected meets the criteria, the district immediately makes the appointment. The district, within 5 days of determining the appointment of a surrogate parent, provides written notice of appointment to the individual so selected and shall record such appointment in the child's record. (see Notice of Appointment in this appendix).

V. Responsibilities and Term of Appointment

A. During his or her appointment, a surrogate parent is expected to exercise all of the rights, responsibilities and authorities of a parent, including:

1. The right to receive notice of actions proposed or refused by the district;

2. The right to provide or withhold consent requested by the district;

3. The right to participate in the development, review and revision of the IEP and the eligibility and placement decisions;

4. The protection of the confidentiality of personally identifiable information collected, used or maintained by the district;

5. The conduct of an independent educational evaluation of the child; and

6. The initiation and conduct of due process hearings.

B. A surrogate parent continues to serve unless the district terminates the appointment prior to the expiration of the agreed upon period by request of the surrogate parent or because the district determines that:

1. The natural or adoptive parent or guardian has been located; or

2. The surrogate parent no longer meets the standards for a "qualified" surrogate parent set forth above and, thus, such termination is necessary to protect the rights of the child.

C. If a surrogate parent is no longer considered "qualified" by the district, the district notifies the individual in writing and informs him or her of the right to initiate a due process hearing to challenge the decision to terminate the appointment (see Notice of End of Appointment in this appendix).

D. The person whose term is terminated or whose appointment is not continued, remains the surrogate parent until an administrative or judicial proceeding is completed.

E. Prior to the expiration of the term of a surrogate parent, the district reviews the qualifications of the surrogate parent and determines whether to reappoint the surrogate parent for a new term or to appoint a new surrogate parent. If the district decides to reappoint a surrogate parent, notification of that reappointment is sent to the surrogate parent at least 30 days prior to the expiration of the term (see Notice of Appointment in this appendix).

Surrogate Invitation

Mr./Mrs. ____________________

____

____________, Alaska ______

Dear Mr./Mrs. ______________

The ______________________ School District invites you to participate in our Surrogate Parent Training Program. After receiving this training, you will be qualified to serve as a surrogate parent for a child with a disability who needs a concerned person to help in planning his or her educational program.

The Surrogate Parent Training Program will be held on ______________ at the ______________. We hope you will be able to attend.

Please let me know if you are or are not coming to the training. I look forward to your help in serving children with disabilities.

Sincerely,

Surrogate List

1. Name ____________________

Address ____________________

____

Phone ____________________

Employment ____________________

____

____

Experience with Children with Disabilities:

____

____

____

____

Possible Conflicts of Interest:

____

____

____

____

The list includes information about each individual's current and previous employment, previous and current experience regarding children with disabilities (e.g., served as a surrogate for other children, has specific experience in special education or related fields), and any information regarding possible conflict of interest (e.g., participation in organizations, relative employed by a district involved in education or care of the child.)

BEST COPY AVAILABLE

Sample

Training Session Agenda

Surrogate Parent Training Workshop

9:00 am	Introduction
	Purpose of Surrogate Parents
	Federal and State Requirements
10:30 am	Break
10:45 am	Conflict of Interest
	Procedures for Appointing Surrogates
	Reappointment
	Hearings.
12:00	Lunch
1:00 pm	Rights of Students with Disabilities
	Educational Decision-Making
	Referral
	Assessment
	Eligibility
3:00 pm	Break
3:15 pm	IEP
	Placement
	Consent and Notice
	Hearings
4:30 pm	Adjourn

Notice of Appointment

Mr./Mrs. ____________________
____
____________, Alaska ________

Dear Mr./Mrs. ________________

The ____________________ School District appoints you as a surrogate parent in accordance with both federal (34 C.F.R. 300.515) and State (4 AAC 52.590-610) regulations. According to these regulations, you, as a surrogate parent, will have all the rights and responsibilities of parents in matters relating to the special education process.

The term of your appointment is ________________________________

The child we have assigned you is ______________. ______________

is now placed in an educational program at ____________________ School.

The principal is ______________ and ______________'s teacher is

________________________. Either one may be reached by calling the

school at ____________________.

If you have any questions about your appointment or your rights and responsibilities as a surrogate parent, please call me.

Sincerely,

Notice of End of Appointment

Mr./Mrs. ______________________

____

______________, Alaska ________

Dear Mr./Mrs. ___________________

The ________________ School District has made a determination regarding the continuation of your appointment as a surrogate parent for ______________________________________ Our determination is as follows:

_____ Your appointment has been terminated as you requested.

_____ Your appointment has been terminated because you no longer meet the criteria for a "qualified" surrogate parent. (See Surrogate Parent Procedures, page 1.)

_____ Your appointment is continued.

If your appointment has been terminated by the District, you have the right to request a due process hearing regarding the District's determination that you are no longer qualified. If you wish to challenge our determination, please address your hearing request to:

____

____

__________, Alaska __________

Thank you for your assistance in the past.

Sincerely,

RECORD OF ACCESS

____
Name of Student

Date	Name of Reviewer	Agency Affiliation	Reason for Review of Files

AUTHORIZATION FOR RELEASE OF CONFIDENTIAL INFORMATION

Date: ____________________

Student Name ____________________ School District ____________________

As parent/guardian of the student, I hereby authorize the release of confidential information between the ____________________ school district and

____

____

I understand that information will be treated in a confidential manner. I also understand that it is my right to request a copy of all information and contest any information I feel is incorrect.

Parent/guardian signature ______________________________________

Address ____

BEST COPY AVAILABLE

Sample[2]

Notice of Intent to Destroy Special Education Records

Dear ______________________________

This letter is to inform you that the district no longer needs the special education records of your child, ______________________________. You are entitled to a copy of these records, which include the following:

_____ Evaluation and Eligibility Reports

_____ IEPs

_____ Assessment Reports (i.e. psychology, speech/language)

_____ Other (please list or describe the information you desire)

The district encourages parents to maintain copies of these records, as they may be useful in applying for adult services (many agencies request documentation that an individual has a disability and/or has received special education services).

If you would like a copy of these records or wish to object to the destruction of the records, please contact

____

name, title, address, phone number

If the district does not hear from you by _________________________ (this date can be no earlier than 45 days from the date of this notice), the district plans to destroy the records. Please note that the district will continue to maintain a permanent record of your child's name, address, and phone number, along with his or her grades, attendance record, classes attended, grade level completed, and year completed.

---

[2] According to 4 AAC 52.760, the district shall maintain records until no longer needed to provide educational services, but not fewer than 5 years.

BEST COPY AVAILABLE

APPENDIX F

PERSONNEL FORMS

1. Documentation of Training for Paraeducators
2. Early Childhood Education Requirements Form
3. Recommended Guidelines for Related Service Providers

BEST COPY AVAILABLE

PARAEDUCATOR TRAINING DOCUMENTATION *

1. Name of Paraeducator: ______________________

2. Date(s) of Training ______________________

3. Person Conducting Training ______________________
(Name and Title)

4. Length of Training (in hours) ______________________

5. Topics Covered in Training ______________________
____
____

6. Materials used for Training ______________________
(i.e. training modules, videos, etc.)
____
____

____
Paraeducator

____
Supervisor

____
Date

* To be maintained in the district's CSPD folder

BEST COPY AVAILABLE

STATE OF ALASKA

Early Childhood Special Education Requirement Form

6 Semester hours per 4 AAC 12.025(d)

Name: ____________________

Social Security #: ____________________

School District: ____________________

Credits	Documentation	College/University	Course Title

____________ Total Semester Hours Documented

T = Transcript

C = Class list (Summer Academies)

Comments:

BEST COPY AVAILABLE

Recommended Guidelines for Related Service Providers

1. **Participate with IEP team members in writing shared educational goals rather than writing separate therapy goals.**

   It is difficult to write educationally relevant related service recommendations without knowledge of the contents of a student's educational program. It is not uncommon for a related service provider to generate a set of goals that reflect outcomes valued by his/her respective area of expertise. Not only can this be confusing for families, it can lead to programs that are disjointed and fragmented with team members heading in different directions.

2. **Make team decisions about related services to be provided.**

   When therapists make unilateral decisions about the related services to be provided, there is a risk of undesirable and unnecessary overlaps and gaps in services, contradictory recommendations, and conflicts among team members. Such unilateral decision making fails to address the interrelationships among the team members involved in a student's education. It does not account for the fact that many of the functions served by educational team members from various disciplines can, and do, overlap with those of other disciplines.

3. **Differentiate between learning outcomes and general supports.**

   Related service providers sometimes confuse learning outcomes versus general supports; many times IEP annual goals are actually general supports rather than learning outcomes. This results in IEPs that are unnecessarily passive that do not tap the learning potential of students. "Donny will be repositioned every half hour" is an example of a support provided by a service provider; it is not an annual goal that requires Donny to learn.

4. **Understand the relationship between student needs, goals, placement, and services.**

   Determination of related service needs comes after developing the student's goals and objectives and placement because these factors influence the need for related services. By determining the goals and objectives first, we know what we want the student to learn and can then consider the least restrictive placement option. The determination can then be made as to what related services are necessary to assist the student in achieving those goals in the least restrictive environment.

5. **Use an "only-as-special-as necessary" approach instead of a "more is better" approach**

   The "only as special as necessary" approach is based on the notion that rather than trying to obtain the most services possible, we should seek to determine the appropriate amount and type of services for each individual student. It also acknowledges the problems associated with providing more services than are necessary such as:

   - decreasing time for participation in activities with non-disabled peers,
   - causing disruption in acquiring, practicing, or generalizing other important educational skills,
   - causing inequities in the distribution of scarce resources,

- overwhelming families and creating unnecessary unhealthy dependencies,
- unnecessarily complicating communication and coordination among team members.

6. **Make sure that the proposed related service is educationally relevant and necessary.**

   To assure that the related service is educationally relevant, related service providers should be able to reference their services to the student's IEP goals and objectives. For example, making an adapted switch for use with a communication device may be referenced to the student's communication goals. To determine whether the services are necessary, consider the following question: Is there data or logic to suggest that the absence of the proposed service will interfere with the student's access to or participation in his or her educational program?

7. **Match the mode of service provision (e.g., direct vs. consultation services) to the functions served**

   Do not use formulas that offer prescribed modes of service provision and/or suggested frequencies and duration of service; there are simply too many unique variables about students, families, team members, schools, and communities for such formulas to offer appropriate individualization.

   Also, because the skills and knowledge of related service providers need to be extended to other team members, it is almost inconceivable that a student could receive appropriate related services through direct service provision only; consultation with teachers, paraprofessionals, and other service providers is necessary.

8. **Determine the least restrictive location and strategies for service provision.**

   Related service providers should strive to provide services in the most natural environments and use approaches that are socially acceptable within those settings. It is important to consider the student's privacy, dignity, and the perceptions of peers when selecting both where services will be provided and what strategies will be used.

9. **Implement and evaluate related services.**

   The first step in evaluating the impact of a related service is to know what components of the educational program the service was intended to support. By knowing which educational program components are being supported and which functions are being serviced, the team can ask questions such as

- Has the service provided access to, or allowed for participation in the educational program?
- Has the service facilitated achievement of goals that would probably not occur in the absence of the service?

APPENDIX G

SECONDARY TRANSITION

1. Intent of Transition Services *
2. Transition Requirements Checklist*
3. Secondary Transition Q & A *
4. Sample IEP with Secondary Transition Components*
5. Example Person Centered Planning Document

* Taken from *Transition Requirements: A Guide for States, Districts, Schools, Universities and Families*; the Western Regional Resource Center, Mountain Plains Regional Resource Center, and Arizona State University West.

Western Regional Resource Center

IDEA '97 Transition Requirements: A Guide

Section II: **Intent of Transition Services**

Contents | Section I | Section III

Why Focus on Transition?

One of the primary purposes of Public Law 105-17, the Individuals with Disabilities Education Act (IDEA), is to "***ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living." (34 CFR §300.1(a))***

The focus of IDEA has shifted from one that only provided children and youth with disabilities access to an education to one that also strives to improve results for all children with disabilities. The IDEA amendments of 1997 strengthen the role of parents in the educational planning and decision-making conducted on behalf of their children. It focuses the student's educational program on involvement and progress in the general curriculum (i.e., the curriculum that is used with nondisabled children). IDEA '97 also emphasizes the strong preference that, to the maximum extent appropriate, children with disabilities be educated in regular classes with their nondisabled peers with appropriate supplementary aids and services, adaptations, modifications, accommodations and supports.

Schools, families and communities must work together to offer effective educational experiences so students with disabilities:

1) Achieve appropriate involvement and progress in the general curriculum;

2) achieve improved results; and

3) are prepared for post-secondary education, employment and independent living.

In practical terms, the very real challenge is not only to ensure that all students achieve high academic standards but also gain skills needed to achieve their desired post-school goals (including post-secondary education, training or employment) and assume adult responsibilities in their communities. Further, the challenge is to keep all students in school and engaged in meaningful educational experiences so they will be prepared for post-secondary education, employment and independent living.

Studies examining the post-school results of students with disabilities (such as post-secondary education, employment, living arrangements, mobility and leisure) have found that a large proportion of these students do not go on for further training. Additionally, they often do not receive needed post-school supports and services and as adults are not as successful when compared to the general population (Blackorby, & Wagner, 1996; Wagner, 1991; Wagner, 1993). These findings have led to the conclusion that in order to the improve post-school results of these students, the student's educational program can no longer be provided in isolation from the student's community living, working and social environments. The transition requirements of IDEA '97 challenge education to improve the post-school results of students with disabilities by doing a better job of planning and preparing students and families for the challenges and complexities of the adult world.

At the heart of the IDEA '97 is the Individualized Education Program (IEP). The BIG ideas in IEP planning are that the team:

- Engages the student and parents in thinking about the student's goals for the future.
- Identifies the student's needs, interests and preferences.
- Knows how the student performs today.
- Identifies what the student will learn and do both this year and in the remaining years in school to achieve his or her dreams and goals for the future.
- Identifies the supports and services the student needs for success.
- Ensures that the student learns to the maximum extent appropriate within the general curriculum and environment.

The Transition Concept

The concept of transition is simple and generally has three major components:

1) Coach every student, along with his or her family, to think about goals for life after high school and to develop a long-range plan to get there.

2) Design the high school experience to ensure that the student gains the skills and competencies needed to achieve his or her desired post-school goals.

3) Identify and link students and families to any needed post-school services, supports or programs before the student exits the school system.

The student's high school program should thoroughly prepare him or her for achieving his or her desired post-school goals. The Individualized Education Program (IEP) is the legal document reflecting the commitment made by the educational agency to provide a free appropriate public education (FAPE) designed to meet the unique needs of the child with a disability. It should reflect the services and supports needed to assist the student gain the skills, experiences and connections to make the student's post-school goals a reality. The transition requirements of the IDEA '97 provide opportunities to:

- Work with every eligible student and his or her family to think about the future and plan what he or she wants to do after high school.
- Jointly plan how to make the high school experience directly relate to each student's dreams and goals for the future.
- Provide instruction, related services, community experiences, employment and adult and daily living objectives while in high school.
- Assist every student and family in making the linkages to services they will need after high school.
- Increase the chance that every student is successful once he or she exits school.

IDEA '97 and the final regulations added important provisions to the IDEA of 1990 transition requirements.

The following must be included in the IEP:

> ***"(b)(1) For each student with a disability beginning at age 14 (or younger, if determined appropriate by the IEP team), and updated annually, a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study (such as participation in advanced-placement courses or a vocational education program); and***
>
> ***"(2) For each student beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages.***
>
> ***"(c) Transfer of rights. In a State that transfers rights at the age of majority, beginning at least one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under Part B of the Act, if any, that will transfer to the student on reaching the age of majority, consistent with §300.517. " (34 CFR §300.347)***

Since the wording in the first two items above (transition service needs and needed transition services) is so similar, there has been confusion in the field as to the difference between the requirements at age 14 (or younger when appropriate) and those at age 16 (or younger when appropriate).

Here are suggestions to clarify the misunderstandings. Among other elements, IDEA '97 requires that the student's IEP include:

- A statement of transition service needs at age 14 or younger, if appropriate.
- A statement of needed transition services at age 16 or younger, if appropriate.

For all students, starting at age 14 (or younger, when appropriate) and continuing until the student is no longer eligible for special education services, the IEP team must:

- Actively involve the student in his or her IEP development.
- Base the IEP on the student's needs, preferences and interests.
- Determine the student's post-school goals.
- Identify the student's transition service needs.

Generally, these "transition service needs" take the form of courses of study or a multi-year description of coursework to achieve the student's desired post-school goals. The transition service needs requirement is intended to assist the student make a successful transition to his or her goals for life after high school by selecting "***courses of study that will be meaningful to the student's future and motivate the student to complete his or her education" (Appendix A, Question 11***). Congress added this requirement to "***augment, and not replace***" the separate, pre-existing requirement that the IEP, beginning at age 16 (and at a younger age, if appropriate), include a statement of needed transition services. The requirement for transition service needs must be reviewed annually and continues until the student graduates with a regular high school diploma or is no longer eligible for IDEA '97 services.

For all students, starting at age 16 (or younger, when appropriate) the IEP team must:

- Actively involve the student in his or her IEP development.

- Base the IEP on the student's needs, preferences and interests.

- Refine the student's desired post-school goals.

- Review the student's transition service needs, such as the courses of study or multi-year description of coursework, adjusting them as needed to achieve the student's desired post-school goals.

- Develop a statement of needed transition services.

A "statement of needed transition services" has been required since 1990. ***"The statement of needed transition services...includes instruction, related services*** (added in IDEA '97 Final Regulations), ***community experiences, the development of employment and other post-school adult living objectives; and if appropriate, acquisition of daily living skills and functional vocational evaluation." (34 CFR §300.29(a)(3))***

In addition, the statement of needed transition services must also include, ***"a statement of the interagency responsibilities or any needed linkages." (§300.347(b)(2))***

To facilitate the development of this statement of the interagency responsibilities, ***"the public agency shall also invite a representative of any other agency that is likely to be responsible for providing or paying for transition services. If an agency invited to send a representative to a meeting does not do so, the public agency shall take other steps to obtain participation of the other agency in the planning of any transition services." (34 CFR §300.344(b)(3))***

Further, IDEA '97 strengthens the opportunities for students to engage in self-advocacy. The student must be invited to participate in the IEP meeting by age 14 or younger if transition service needs are discussed. If the student doesn't attend the meeting, other steps must be taken to engage the student in the process.

Specifically, IDEA '97 states, ***"the public agency shall invite a student with a disability of any age to attend his or her IEP meeting if a purpose of the meeting will be the consideration of the student's transition services needs under §300.347(b)(1); the needed transition services for the student under §300.347(b)(2); or both.***

"If the student does not attend the IEP meeting, the public agency shall take other steps to ensure that the student's preferences and interests are considered." (34 CFR §300.344(b)(1) & (2))

Additionally, in a state that transfers rights at the age of majority, at least a year before the student reaches the age of majority (as defined by the State), the IEP must include a statement that the student has been informed of any rights that will transfer to the student on reaching the age of majority.

IDEA '97 states that, ***"in a State that transfers rights at the age majority, beginning at least one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under Part B of the Act, if any, that will transfer to the student on reaching the age of majority, consistent with §300.517." (34 CFR §300.347(c))***

As the student nears high school completion, the IEP team should develop a place to ensure that the student completes all necessary coursework and/or graduation requirements to prepare the student to continue with further education or work and life in the community. Appropriate linkages to services and supports the student will need when he or she finishes school should be in place before the student leaves the school setting and documented on his or her IEP.

The remainder of this document provides suggestions for how to implement these requirements.

Section III suggests steps for incorporating these transition requirements into the IEP process.

Section IV is a checklist to assist public agencies in aligning their practices with the transition requirements.

Section V is a set of questions and answers regarding the transition requirements.

Section VI is a description of what has been learned through the OSEP's monitoring of the transition requirements and other studies regarding the implementation of the transition requirements.

Section VII provides the references and resources cited throughout this document as well as an extensive set of resources available about transition and practices used in the field.

The appendices include a sample Individualized Education Program (IEP), sample letters to students, families, and other agencies; sample transfer of rights documents; and a side-by-side of the transition requirements.

Contents | Section I | Section III

IDEA '97 Transition Requirements: A Guide

WRRC Home | **Contact Us**

WRRC Home | Contact Us

Western Regional Resource Center. Updated June 7, 2000.

IDEA '97 Transition Requirements: A Guide

Section IV: **Transition Requirements Checklist**

Contents | Section III | Section V

The following checklist corresponds to specific sections of the Individuals with Disabilities Education Act Amendments of 1997 (IDEA '97) and the final regulations related to the transition requirements that were issued in the *Federal Register* on March 12, 1999. The checklist may be used by public agencies to help align their practices with the transition requirements of the IDEA '97.

Transition Services Participants (34 CFR §300.344)

When a purpose of the IEP meeting is the consideration of transition services:

1. Yes No Did the public agency invite the student?
2. Yes No N/A If the student did not attend the IEP meeting, did the public agency take steps to ensure that the student's preferences and interests were considered in the development of the IEP? (If the student attended the meeting, indicate N/A [Not Applicable.])
3. Yes No Did the public agency invite a representative of any other agency that is likely to be responsible for providing or paying for transition services?
4. Yes No N/A If an agency was invited to send a representative to a meeting and did not do so, did the public agency take other steps to obtain his or her participation in the planning of transition services? (If the agency attended the meeting, indicate N/A [Not Applicable].)

Parent notice (34 CFR §300.345)

Does the parent (and student, if rights have been transferred) notice:

1. Yes No Indicate, for a student beginning at age 14 (or younger, if appropriate), that a purpose of the meeting will be the development of a statement of transition service needs?
2. Yes No Indicate, for a student beginning at age 16 (or younger, if appropriate), that a purpose of the meeting is the consideration of needed transition services?
3. Yes No Indicate that the public agency will invite the student beginning at age 14 (or younger, if appropriate)?
4. Yes No Identify any other agency that will be invited to send a representative?
5. Yes No Indicate the time and location of the meeting and who will be in attendance?
6. Yes No Inform the parents that they may invite other individuals who have knowledge or special expertise regarding their child, including related services personnel, as appropriate?

Exception to FAPE and Prior Written Notice (34 CFR §300.122(a)(3)(i, ii,iii) &

§300.503)

If the student will graduate with a regular high school diploma, does the IEP team provide the parent(s) (and student, if rights have been transferred) with:*

1. Yes No Prior written notice (in accordance with 34 CFR §300.503) that graduation from high school with a regular diploma constitutes a change in placement and that the high school student is no longer entitled to provide a free appropriate public education (FAPE)? (NOTE: A state may choose to continue to provide FAPE. Check with your state for requirements that may go beyond Federal requirements.)

* does not apply to students who have graduated but have not been awarded a *regular* high school diploma.

Content of the Individualized Education Program (IEP) (34 CFR §300.347)

If the student is 14 (or younger, if appropriate), does the IEP include:

1. Yes No A statement of current performance related to transition service needs?
2. Yes No A statement of transition service needs that specifies courses of study that will be meaningful to the student's future and motivate the student to complete his or her education?

If the student is 16 (or younger, if appropriate), does the IEP include:

1. Yes No A statement of needed transition services that is a coordinated set of activities and considers:
   - Yes No a. Instruction?
   - Yes No b. Related services?
   - Yes No c. Community experiences?
   - Yes No d. Development of employment and other post-school adult living objectives?
   - Yes No e. If appropriate, acquisition of daily living skills?
   - Yes No f. If appropriate, a functional vocational evaluation?
2. Yes No The activities in the statement of needed transition services are presented as a coordinated set of activities that promotes movement from school to desired post-school activities?
3. Yes No A statement of needed transition services that addresses one or more of the following post-school activities:

   [ ] Post-secondary education?

   [ ] Vocational training?

   [ ] Integrated employment (including supported employment)?

   [ ] Continuing and adult education?

   [ ] Adult services?

[ ] Independent living?

[ ] Community participation?

4. Yes No A coordinated set of activities that is based on the individual student's needs, taking into account the student's preferences and interests?

5. Yes No A statement, if appropriate, of the interagency responsibilities or any needed linkages (i.e., linkages to agencies or services the student needs)?

6. Yes No Has the statement of transition service needs and statement of needed transition services been reviewed at least annually?

7. Yes No A statement, in a State that transfers rights at the age of majority, at least one year before the student reaches the age of majority under state law, that the student has been informed of the rights under Part B of the Act, if any, that will transfer to him or her when he or she reaches the age of majority?

Transfer of Rights (34 CFR §300.517, §300.347(c))

1. Yes No In a State that transfers rights at the age of majority, when the student reached the age of majority, did the public agency notify both the student and the parent that all rights under Part B transferred to the student? (Note: in a State that transfers rights at the age of majority, the public agency shall provide any notice required by the regulations to both the individual and the parents.)

Agency responsibilities for transition services (34 CFR §300.348)

1. Yes No N/A If a participating agency failed to provide agreed-upon transition services contained in the IEP, did the public agency responsible for the student's education reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP? (If the agency provided services, indicate N/A [Not Applicable].)

Contents | Section III | Section V

IDEA '97 Transition Requirements: A Guide

WRRC Home | **Contact Us**

WRRC Home | Contact Us

Western Regional Resource Center. Updated June 7, 2000.

Western Regional Resource Center

IDEA '97 Transition Requirements: A Guide

Section V: **Commonly Asked Questions and Answers**

Contents | Section IV | Section VI

This document uses the following conventions for citing from the code of Federal Regulations and from other interpretive materials that accompany those regulations in the March 12, 1999 Federal Register:

- For direct quotations from the regulations, the citation form will be: ***34 CFR§300.XXX.***
- For quotations from the Federal Register, March 12, 1999; Appendix A to Part 300-Notice of Interpretation, the citation form will be: ***Appendix A, Question XX.***

Scroll down the page **or** select the links below to go to the content of this section. This page contains questions organized according to the topics listed. When a question link is selected the question and answer will open in a **new window.** Close the new window to return to this page.

- Content of the Individualized Education Program (IEP)
- Transition Participants
- Parent Participation
- Agency Responsibilities for Transition Services
- Graduation
- Other Questions

Content of the Individualized Education Program (IEP)

1. What are the new requirements for transition?

2. ***"What must the IEP team do to meet the requirements that the IEP ' include a statement of...transition service needs' beginning at age 14 (§300.347(b)(1)(i)), 'and a statement of needed transition services' no later than age 16 (§300.347(b)(2)?"***

3. What are "courses of study?"

4. Should the student's IEP identify a desired post-school outcome, and if so, how should this be expressed?

5. What are the requirements regarding consideration of the student's preferences and interests when developing the statement of transition service needs or statement of needed transition services? How should the student's preferences and interests be determined? **(See 34 CFR §300.29; §300.344(b))**

6. If the IEP team does not address each component in the statement of needed transition services (i.e., instruction, community experiences, related services, employment, and other post-school adult living objectives), must they write a statement justifying why that component was not addressed?

7. What is the role of vocational education in the student's IEP?

8. ***"Must the IEP for each student with a disability, beginning no later than age 16, include all 'needed***

transition services,' as identified by the IEP team and consistent with the definition at §300.29, even if an agency other than the public agency will provide those services? What is the public agency's responsibility if another agency fails to provide agreed-upon transition services?"

9. When should a statement of transition service needs (courses of study) or a statement of needed transition services (coordinated set of activities) be included in a child's IEP? **(See 34 CFR §300.347(b))**

10. What are examples when the IEP team would include transition services for a student younger than age 14 or 16? Who decides when services are needed earlier? **(See 34 CFR § 300.347(b); Appendix A, Question 11)**

11. May school districts develop transition plans separate from the IEP? May public agencies develop Individualized Transition Plans (ITPs)?

Transition Participants

1. Who must be included on the IEP team when a purpose of the meeting is the development of a statement of transition service needs or a statement of needed transition services?

2. What is a participating agency?

3. What other adult agencies and services might the IEP team think about including? How does a public agency determine those agencies that are likely to be responsible for providing or paying for transition services?

4. What is the school district's responsibility for inviting the student to his or her IEP meeting during which transition services will be addressed?

5. Are there any circumstances under which the student would not be invited? **(34 CFR § 300.344(b)(1))**

6. What form should the invitation to the student take?

7. If a student does not attend the IEP meeting, what steps should the district take to ensure that the student's preferences and interests are considered? **(See 34 CFR § 300.344 (b)(2))**

8. Are representatives of other agencies required to participate in the IEP meeting to develop statements of needed transition services?

9. What if an invited agency representative does not attend the IEP meeting?

10. May the services of an agency be specified on an IEP when that agency's representative is not present at the IEP meeting?

Parent Participation

1. May IEP meetings that address transition services be conducted if parents are not in attendance?

2. Must parents be notified that the student and agency representatives are invited to attend the IEP meeting?

3. Must a copy of the student's IEP be provided to the parent?

Agency Responsibilities for Transition Services

1. Who is responsible for planning, coordinating, and providing transition services? What is the district's responsibility for ensuring that an agency is providing the services agreed upon in the IEP?

2. How will a school district verify or know if services are not being provided?

3. Who is responsible for reconvening an IEP meeting when transition services are not being provided as indicated on the IEP? What is the purpose of the meeting? What are the timelines for reconvening the meeting?

Graduation

1. Following the student's graduation with a regular high school diploma, is the school district responsible for providing the transition services?

2. Is a re-evaluation required for graduation with a regular high school diploma or termination of eligibility for exceeding the age eligibility for FAPE under state law?

3. Is graduation from high school considered a change in placement requiring notice in accordance with §300.503?

Other Questions

1. Are students with disabilities in adult prisons entitled to a free appropriate public education (FAPE)?

2. What is vocational rehabilitation? Who is eligible?

3. What work incentives exist and how might they be incorporated into transition planning?

4. What critical skills should students have if they plan to go to college?

Contents | Section IV | Section VI

IDEA '97 Transition Requirements: A Guide

WRRC Home | Contact Us

WRRC Home | Contact Us

Western Regional Resource Center. Updated June 7, 2000.

Sample Individualized Education Plan (IEP)

The following IEP sample reflects but one way to present an IEP and contains components that have worked well for some systems. It is critical to remember that each IEP must be individualized and based on the needs of the particular student. For a complete description of IEP content required by IDEA '97, please refer to the Final Regulations §300.347. In addition, be sure to check with your district and/or state for recommended or required IEP forms or processes.

Individualized Education Program

A. Student Name (Last, First, MI) *Schooler, Maureen H.*	Birthdate (month/day/year) *12/27/83*	Sex [ ] M [X] F

Current Grade *9*	Student's Primary Language or Communication Mode *English*

Current Address *1234 West Here Street*	City *Nice Town*	State *ND*	Zip *12345*	Phone Number *555-222-3333*
Serving School *Desert Valley Senior High*	City *Nice Town*	State *ND*	Zip *12345*	Phone Number *555-123-4567*

Resident School (If different from serving school) *Same*	Student Social Security Number (Optional) *123-45-6789*
School District of Residence (If different from serving district) *Same*	Check items that apply. [X] Open Enrolled in same district [ ] Agency Placed [ ] Open Enrolled in another district [ ] Home Education

B. Name of Parent(s) *Teddy and Matilda Schooler*	Home Telephone Number *555-222-3333*	Other Telephone Number *None*
Address (if other than Student's Current Address) *Same*		Primary Language at Home *English*

Is there a Guardian/Educational Surrogate/Foster Parent [ ] Yes [X] No Name:

[ ] Guardian [ ] Educational Surrogate [ ] Foster Parent

Address *N/A*	City *N/A*	State *N/A*	Zip *N/A*

C. IEP Case Manager *Henrietta Harvey*	Telephone Number *555-999-8888*
IEP Type [ ] Initial [X] Annual	Date of Last Comprehensive Individual Assessment Report (month/day/year) *5/23/98*

D. Date of IEP Meeting (month/day/year) *5/16/99*	List Names of All Team Members	Check Attendance
*Parent	*Teddy Schooler*	[X] Yes [ ] No
Parent	*Matilda Schooler*	[X] Yes [ ] No
Student	*Maureen Schooler*	[X] Yes [ ] No
Administrator/Designee	*Joe Smith*	[X] Yes [ ] No
Special Ed Teacher	*Jane Lakeman*	[X] Yes [ ] No
General Ed Teacher	*Ellie Math*	[X] Yes [ ] No
Representative of district of residence	*Carol Burkett, Special Education*	[X] Yes [ ] No
Vocational Rehabilitation Counselor	*Christine Fullerton*	[X] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No

* If the parent did not attend the IEP meeting, describe effort to arrange a mutually agreed upon time and place. Include date, contact, and outcome of each effort.

Adapted and used with permission of the North Dakota Department of Public Instruction, Office of Special Education.

BEST COPY AVAILABLE

E. Students Desired Post School Outcomes, ages 14-21 (or younger, if appropriate)

Employment: *I would like to work with or teach children who have disabilities; no job supports are anticipated.*

Community Participation: *I intend to remain independently involved in church and may volunteer with various community activities of interest.*

Recreation & Leisure: *I will stay active in group activities (bowling, music, sport events) and independent activities (sewing, reading, roller-blading) with no need for supports.*

Post Secondary Training & Learning Opportunities: *I will attend a liberal arts college program to work with children; funding & academic supports may be appropriate.*

Independent Living: *I will be capable of living independently in a dorm, apartment or alone.*

F. Present Levels of Educational Performance

The statement of present levels of educational performance is an integrated summary of information from all sources including the student's family. Summarize and discuss parent information and student progress toward previous goals and objectives. Include the parents' perspectives and insights about their child's learning strategies, social skills, interests, and any existing medical diagnoses that are important contributions to creating a description of the whole child. The statement should include current information about the student's specific strengths and weaknesses, progress in the general education curriculum, unique patterns of functioning, and implications of the problem areas on the student's total functioning. Performance areas to be considered include the following:

- ✔ Cognitive functioning
- ✔ Communicative status
- ✔ Sensory status
- ✔ Emotional and social development, behavior skills (including adaptive behavior, if applicable), and ecological factors
- ✔ Academic performance
- ✔ Motor ability
- ✔ Health/physical status

Maureen is currently functioning in the average range of intelligence according to the WISC III administered on 5-23-98. Her strengths are in the area of short and long-term memory and problem solving. Her learning disability in the areas of reading comprehension and written expression require accommodations in her general education classes described in Section G. Maureen's oral expression skills are a strength for her as are her interpersonal skills. Academically, she has maintained Bs with a C in Biology for the second semester of her 9th grade year. She met her IEP goals for the 98-99 academic year.

Address the present levels of performance in each of the following domains with documentation of student needs, preferences and interests and identified by what method this information was obtained.

Jobs and Job Training

Maureen volunteered at the Busy Bee Child Development Center during her 9th grade year. She worked primarily with the three-year-olds. Her supervisor reported that she was dependable and reliable and related very well with the students. Based on the California Occupational Preference Survey (COPS), her goal of working in child care appears to be an appropriate choice.

By what method was this obtained: ***Interview with job supervisor***

Recreation and Leisure

Maureen is athletic; she is on a junior bowling league and enjoys rollerblading.

By what method was this obtained: ***Interview with Maureen and her parents***

Home/Independent Living

Maureen is independent at home now and intends to pursue living on her own after graduation.

By what method was this obtained: ***Interview with Maureen and her parents***
Woodcock-Johnson Scale of Independent Behavior

Community Participation

Maureen is quite active in church activities at this time.

By what method was this obtained: ***Interview with Maureen***

Post-Secondary Training and Learning Opportunities

Maureen wishes to attend a post-secondary liberal arts college, majoring in Child Development. She is exploring both 2-year and 4-year institutions at this time and considering earning an AA + certificate first.

By what method was this obtained: ***Interview with Maureen***

Related Services

Maureen has not received related services since the elementary grades (K-3) when she received Speech and Language therapy for 2x/week for 30 minutes. She was discharged at the end of third grade.

By what method was this obtained: ***Review of school records***

BEST COPY AVAILABLE

(F. Present Levels of Educational Performance, continued)

Considerations the IEP team must address

A. Does the student exhibit behaviors that impede his or her learning or that of others?

[X] No
[ ] **Yes** - Consider strategies including positive behavior interventions, strategies, and supports in the IEP.
If yes, what are recommendations to address these needs?

B. Does the student have limited English proficiency?

[X] No
[ ] Yes
If yes, what are recommendations to address these needs?

C. Is the student blind or visually impaired?

[X] No
[ ] **Yes** - but the student *does not* need Braille/Braille instruction based on the student's current and future reading and writing skills and needs.
[ ] **Yes** - and the student needs Braille/Braille instruction based on the student's current and future reading and writing skills and needs.

If yes, what are recommendations to address these needs?

D. Is the student deaf or hearing impaired?

[X] No
[ ] **Yes** - Consider the child's language and communication needs, opportunities for direct communication with peers and professionals in the child's language and communication mode, academic level, and full range of needs including opportunities for direct instruction in the child's language and communication mode.

If yes, what are recommendations to address these needs?

E. Does the student have other communication needs?

[X] No
[ ] **Yes** - Consider the strategies to address communication needs of the student.

If yes, what are recommendations to address these needs?

F. Does the student require assistive technology devices and services?

[ ] No
[X] **Yes** - Consider the assistive technology needs of the student.
If yes, what are recommendations to address these needs?

Algebra: calculator for completion of assignments, quizzes and tests.
Child Development, English, Advanced Biology: tape recorder to record class lectures and demonstrations.

BEST COPY AVAILABLE

G. Statement of Transition Service Needs (ages 14-21, or younger if appropriate)

School Year	Grade Level	List Courses to be taken each year	Credits Earned
	Grade 8		
	Grade 9		6
99-00	Grade 10	Child Development (1/2), English 10 (1), Band (1), Phy Ed (1/2), Spanish I (1), Algebra (1), Adv. Biology (1), Resource Room (1)	7 (13)
00-01	Grade 11	English 11 (1), Spanish II (1), Geometry (1), Band (1), Phy Ed (1/2), Family & Consumer Science I (1/2), Chemistry (1), Resource Room (1)	7 (19)
01-02	Grade 12	Psychology (1/2), English 12 (1), Algebra II (1), Band (1), Cooperative Work Experience (11/2), Phy Ed (1/2), US History (1/2), Resource Room (1)	6 (24)
Ages 18-21			

Total number of credits required by this district for graduation: 21 Anticipated month and year of graduation: May 2002

Will this student graduate with fewer credits than required of all students by the district? [ ] Yes [X] No

If yes, identify graduation adaptations ______________________________

BEST COPY AVAILABLE

H. Statement of Needed Transition Services (ages 16-21, or younger if appropriate)

Transition Services	Needs & Activities	Agency(ies) & Responsibilities	Provider & Payer
Instruction:	• Sp Ed supports in identified classes • Modified ACT testing • Post secondary supports (academic)	• School district • School district • College of choice & Maureen	• School district will provide identified supports • School district • College of choice
Community Experiences:	• Three job shadow experiences with children • Visit three colleges which offer program of interest • Open a checking/saving account at bank	• Coordinated by Case Manager and Maureen • Maureen & parents • Maureen & parents	• School District will provide services • Maureen and her parents will be responsible for any expenses incurred to visit colleges • Maureen and her parents will be responsible for any expenses incurred.
Employment:	• Job preparation skills & review • Part time employment by personal job search and/or with assistance from Job Service if necessary	• Coordinated by case manager and Maureen • Maureen & Job Service Counselor	• School district will provide services • Maureen will incur any expenses to locate and find part time employment
Related Services: Maureen's IEP team identified no long-term needs in related services at this time.			
Adult Living & Post School:	• Apply for all possible college financial aid • Vocational Rehabilitation referral to determine eligibility for tuition assistance for college • Participate in home skills (make clothing & misc. purchases, cook 1 meal/week, help with laundry & misc. household chores) • Apply for college/DSS no later than 12/01.	• Maureen, parents, school guidance office • Maureen, parents and VR staff • Maureen and parents • Maureen and parents	• School will provide services within limits of building, and Maureen/parents will incur expenses for mailings, etc. • There is no expense to apply for VR services • Maureen and her parents will be responsible for any expense of this activity • Maureen and parents
Daily Living: (if appropriate)			
Functional Vocational Assessment: (if appropriate)	• Review CHOICES to reaffirm vocational goal and review college information • Complete community & Independent living assessment	• Maureen, Guidance office, Case Manager	• School district will provide this service there is no expense • There is no expense for this activity for the district.

Agency Collaboration & Responsibilities* (ages 16-21, or younger if appropriate)

School Year	Grade Level	Needed Service(s)	Agency & Contact Person	Who will contact & when	Timeline for delivery of service(s)	Results & Outcomes
99-00	10	Job seeking/placement assistance	Job service Counselor John Olson	Maureen, June 99	Summer 1999 to Spring 2000	Part time employment for summer 1999 & possibly to continue through school year
00-02	11-12	Eligibility determination	Vocational Rehabilitation Counselor Sue Smith	Maureen & parents	December 2000	Possible eligibility for services (tuition for college)
00-01	11	Referral to Independent Living Center	ILC Counselor Mary Jones	Case Manager, Maureen	May 2001	Independent Living and Community assessment to determine strengths and prepare for college/advocacy
01-02	12	Post-secondary academic supports	College Disability Support Services Staff	Maureen & parents	March 2002	Classroom & testing accommodations in college

* If any agency identified by the IEP team fails to provide services, the IEP team must reconvene as soon as possible to identify alternate strategies and amend the IEP as necessary. Document date of reconvened IEP meeting and results.

BEST COPY AVAILABLE

I. Annual Goals, Short-Term Objectives, and Characteristics of Services

Use one page for each annual goal. Thoroughly state the annual goal. Annual goals should be reasonably achieved in one year and should be unique to the student. Related Services should appear ONLY as objectives that are integrated into the student's instructional program.

Annual Goal (behavior or skill, desired ending level of achievement, intent or purpose of the behavior):

Goal # 1
of ____ goals

Maureen will fully participate in her Child Development course during her sophomore year, attaining the prescribed competencies with 80% accuracy or better.

Short-Term Instructional Objectives and Characteristics of Services:

List *objectives* for each goal including conditions under which the behavior is performed, the specific behavior, measurable criteria, evaluation procedures, and schedules for determining if objectives are being achieved (initiation date, dates for progress checks). The person responsible for monitoring progress will be added upon completion of Section J.

For each objective, consider and document the following *characteristics of services* information:
Does the performance specified in the objective(s) promote the child's involvement and progress in the general education curriculum?
How might services be modified to enable greater involvement and progress in the curriculum? Describe the needed modifications or adaptations.
If the child will not participate in the general education curriculum, provide a justification for the alternative selected. Describe the specially designed instruction (e.g., specially designed driver education) or supportive training related to the disability (e.g., braille instruction/occupational therapy).
Who will provide the modifications/adaptations OR the specially designed instruction/supportive training related to the disability described above?

Given each district-prescribed competency, Maureen will complete the competency with 80% accuracy or better. Data will be collected via classroom observation work samples, teacher and practicum supervisor, anecdotal records, portfolio, and teacher-made tests. Biweekly progress checks will be conducted and written reports sent to Maureen's parents based on the district's competency list for child development.

EST COPY AVAILABLE

Progress reporting to parents will occur at least as often as reporting in general education (report cards). Written reports will be provided every:
[ ] 6 weeks [X] 9 weeks [ ] Other schedule (specify: *Biweekly*)

J. Adaptation of Educational Services

Describe changes in educational services that will be made to permit successful accommodation and education of this student (e.g. credits, staff, transportation, facilities, materials, braille, equipment, technology, adaptive devices, curriculum, methods and other services). Include procedures for monitoring equipment, if applicable.

Maureen will be provided with extended time on tests in her Child Development, Algebra and Advanced Biology classes. She will be provided with preferential seating in Spanish I. She will be provided with taped texts for English 10 and multiple choice or short answer tests rather than essay. She may tape record lectures in Child Development, English 10, and Advanced Biology and use a calculator for Algebra. She may also have syllabi in advance and guided notes if desired.

Assistive Technology MUST be considered for each student with a disability.
Does the student need assistive technology devices and services to access the general education curriculum (or FAPE)?
[ ] No [X] Yes **If "Yes" is checked, explain.**

Algebra: calculator for completion of assignments, quizzes and tests.
Child Development, English, Advanced Biology: tape recorder to record class lectures and demonstrations.

Describe the student's participation in district-wide and statewide assessment.
[ ] Student will participate without accommodations.
[X] Student will participate with accommodations specified below: [Note: Some students may participate in portions of district/statewide assessments.]

Scheduling: extended time only

[ ] Student will participate in alternate assessment. Justification for not participating in district or statewide assessments and the description of alternate assessment **must be provided.**

Positive Behavior Interventions and Strategies.

Do the Present Levels of Educational Performance include a description of problem behavior that impedes the student's learning or the learning of others? [ ] Yes [X] No
Does the student's disability limit his/her understanding of school rules and consequences? [ ] Yes [X] No
Does the student's disability limit or influence his/her ability to follow school rules? [ ] Yes [X] No

If "Yes" is checked for any of the above questions, then the components of a Behavior Intervention Plan must be documented.
Documentation of Behavior Intervention Plan can be found:
[ ] in goals and objectives [ ] in adaptations section [ ] in an attachment.

K. Description of Activities with Students Who Are Not Disabled

Physical Education. Indicate type of physical education program that the student receives:
[X] regular P.E. [ ] adaptive/specially designed P.E. (include specific goals and objectives in Section I)

Participation in Academic and Nonacademic Activities:
Check any program options in the boxes below in which the student will be participating with students who do not have disabilities.

Program Options. **Comments:**
[ ] Art.
[X] Music ***(Band)***
[ ] Home Economics
[ ] Industrial Arts
[X] Vocational Education ***(Child Development)***
[X] Other ***(English 10, Algebra, Advanced Biology, Spanish I)***

Nonacademic and Extracurricular Services and Activities. **Comments:**
[ ] Counseling
[X] Employment Referrals
[X] Athletics ***(Tennis Team)***
[ ] School Sponsored Clubs
[ ] Transportation
[ ] Meals
[ ] Recess
[ ] Recreation
[ ] Special Interest Groups
[ ] Other__________

BEST COPY AVAILABLE

L. Least Restrictive Environment Justification

This page is intended as a SUMMARY for all Goals, Objectives, Characteristics of Services, Adaptations, and Special Education and Related Services information included in sections I, J & L. Check all settings in which the special education and related services will be provided.

SETTING:	Percent of time/week
[X] A. Regular Education Classroom	6 periods **86%**
[ ] B. Limited special services in Regular Education classroom	
[X] C. Resource Room	1 period **14%**
[ ] D. Separate Class	
[ ] E. Public separate school (day) facilities	
[ ] F. Private separate school (day) facilities	
[ ] G. Public residential facilities	
[ ] H. Private residential facilities	
[ ] I. Correction facilities	
[ ] J. Homebound/hospital environments	
	TOTAL: **100%**

Before a disabled child can be placed outside of the regular educational environment, the full range of supplementary aids and services that if provided would facilitate the students placement in the regular classroom setting must be considered. In all cases, placement decisions must be individually determined on the basis of each child1s abilities and needs, and not solely on factors such as category of disability, significance of disability, availability of special education and related services, configuration of the service delivery system, availability of space or administrative convenience. Explain why options selected above are the most appropriate and the least restrictive. Describe other options considered and provide reasons those options were rejected.

Maureen will participate in one period per day of Special Education Services in the resource room for the purpose of academic support in her regular education classes. Given her current course load this period of support is necessary. Removal from the regular education setting during this time will not be harmful.

Is there a potential harmful effect to the student with this placement? [ ] Yes [X] No

Is there a potential harmful effect to the student's peers with this placement? [ ] Yes [X] No

If yes to either question, make sure the explanation for the selection of the placement option documents this concern for potential harmful effect.

M. Special Education and Related Services

*Services	Min./ Week	Starting Date Ending Date	Service Provider and Telephone	Location of Services Building Name AND Room (if another school district, provide district name)
Resource Room	**45 Minutes**	**5/16/99- 5/16/00**	**Jane Lakeman**	**Desert Valley High School Room C 25**
Rehabilitation Counseling	**1 x/mo 45 Minutes**	**9/16/99- 5/16/00**	**Christine Fullerton**	**ND Rehabilitation Services**

* The duration of these services may not exceed one year (12 months) from the date of this IEP.

Length of school day:

[X] The student will attend for the full school day.

[ ] The student will attend for a shorter or longer school day than peers. (Explain why this is necessary.)

Extended school year MUST be considered for each student with a disability. Justification for the decision made MUST BE STATED BELOW.

[ ] The review of each goal indicates that an extended school year is needed.

[X] The review of each goal indicates that services will be in effect for the normal school year.

[ ] The team needs to collect further data before making this determination and will meet again by ______________________.

Justification for the above decision:

BEST COPY AVAILABLE

Example of Person-Centered Planning in the Transition Process

Developed by the Alaska Transition Initiative (ATI)

Getting to Know Greg

Places Greg Goes

- Spenard Recreation Center
- Overnighter
- Basketball
- X-Country Skiing
- Movies
- Golf
- Bicycling
- Senior Center
- China Lights
- A Night at Joe's
- California
- L.A.
- San Francisco
- Blockbuster
- Fishing
- Camping

Greg's Likes and Dislikes

Likes

- Friends
- Family
- Sleeping in
- Little Homework
- Visitors/Family from Outside
- Exercise
- Fixing/Building
- Having Help with Things I Don't know How To Do
- Playing Sports
- Learning
- Watching T.V.
- Playing Trumpet
- Eating Snacks
- Getting a Haircut
- Proud of Following Directions
- Country Music
- Talking on the Phone
- R.O.T.C.
- Golfing
- Drawing
- Helping Security

Dislikes

- Getting up in the Morning
- Not Getting my Way
- Stomach Aches
- People Interrupting Me
- Getting in Trouble
- Barking Dogs
- Runaway Dog
- Inappropriate Dress Of Others
- Alarm not going Off
- Chris Bossing Me
- Being Picked On
- High Cost of Boot Camp
- Being Talked into Things

Greg's Dreams for the Future

- Be a Cook
- Be a Golfer
- Be a Policeman
- Have My own House
- Graduate from High School
- Own my own Lamborghini
- Go on Fishing Trips in Alaska and Outside
- Work for one year after Graduation
- Stay with Mom for awhile then go into the Navy
- Have a Family, maybe a wife and two kids
- Maybe live in Texas
- Get my Alaska Driver's License this summer
- Go Hunting
- Build my Own Home
- Get a Ford Ranger
- Move to Homer, Alaska someday
- Go on a vacation to Wisconsin and /or Colorado

Greg's Strengths

- Good at Making Friends
- Has a Mechanical Mind
- Likes Doing Things Well
- Drawing
- Sense of Humor
- Sense of Responsibility
- Caring, Kind, & likes doing things for others
- Honest
- Wide range of Interest
- Likes Children
- Stick-to-it-ness
- Good Cook
- Vacuuming
- Hard Worker
- Getting along with Others
- Is an Interesting Person
- Adventurous

Person Centered Planning Chart
From PCP to IEP/ITP

Dreams & Fears Or Areas of Need	Planning/ Transition Area	Goal	Long Medium Short-Term	Who Provides Assistance	Time Frame	IEP/ITP Applications
Be a cook	Employment Daily Living	Learn to Cook	Short-Long	ASD/KCC-John W. OJT	Next term	OJT work site experience Tour KCC culinary department and apply to program if interested
Be a Golfer	Recreation & Leisure	Improve Golf game	Short-Long	ASD Dad Greg	Next term	Greg will enroll independently in golf class offered at school. . . Dad will give/pay for lessons
Be a Policeman	Employment	Research qualifications and needs to become a police	Long	ASD Greg Family	Next term	Greg will use a variety of ways to gather information on becoming a policeman (internet, phone, visit, library, etc)
Have or build my own Home	Residential Instruction	Learn how to build a home	Long	ASD Sid Friends Dad	Begin next term	Greg can enroll himself in carpentry classes at school, tour the KCC carpentry program and enroll if interested
Graduate from High School	Instructional	Improve study skills	Short-Medium	ASD (Mrs. Quinn) Family Parents Mike	Next term	Increase by double the number of assignments turned in for academic courses for at least a quarter. Be part of a study group

BEST COPY AVAILABLE

Join the Navy	Employment	Try to meet requirements for joining the Navy	Medium-Long	ASD (Mrs. Quinn) ROTC Program family	Next term	Visit recruiting stations (use internet if available), gather information for enlistment, study for AGVAB, request information from ROTC Generate Plan of Action
Plan a fishing trip	Recreation and Leisure	Plan a fishing trip	Medium	School Family	Next two terms	Learn how to obtain a license and how to plan a fishing trip (travel, expenditures, etc) Invite friends and family on the planned trip
Own my own Lamborghini	NA	NA	NA	NA	NA	NA
Have a family of my own	NA	NA	NA	NA	NA	NA
Maybe live in Texas	NA	NA	NA	NA	NA	NA
Get a driver's license	Instruction Daily living	Will get driver's license	Medium	School Family Self-determination	Next term	Study for and take permit exam Enter school drivers education program and take drivers exam
Go hunting	NA	NA	NA	NA	NA	NA
Move to Homer, Alaska	NA	Not an immediate concern and is a family issue				

Prototype Format for Meeting the Transition Requirements Within the IEP

Name: Greg
Soc. Sec. #: 000-00-0000
Age/DOB: 18/11-21-79
Grade Level: Senior
Date:
Student in need of special education X

School:
Initial IEP _
Annual Review X
Re-Evaluation _
Student in need of special education with related services

Parent Notification X
Student Invitation X
Other Agency Invitation X

Post School Outcomes [602(30)(A); Section 300.27 (a)]

Instruction	Culinary School	Community Participation	Already very active in his community
Employment	Chef Military	Leisure Recreation	Golfing with Dad Fishing Do activities with friends
Residential/Adult Living	Live on own	Related Services	Not needed
Daily Lliving Skills	Budget and Manage Money Drive	Functional Vocational Evaluation	Needed

Present Level of Educational Performance (PLEP)

Instruction	Enjoys school and is motivated Needs applied Math training Has trouble finishing assignments and needs study skills	Community Participation	Active and independent in the community

BEST COPY AVAILABLE

Employment	**Good work ethics and behavior** **Needs help studying for AGVAG and drivers permit and license** **Needs to learn how to self-direct his job/career direction**	**Leisure Recreation**	**Wants to expand interests to golf** **Skilled fisherman with a need to learn how to organize a trip**
Residential/Adult Living	**Has good domestic chore skills but needs help in budgeting and money management** **Needs to plan and organize dinner for friends** **Needs help studying for drivers permit/license**	**Related Services**	**Not Needed**
Daily Living Skills		**Functional Vocational Evaluation**	**Needed**

BEST COPY AVAILABLE

Statement of Not Needed Transition Services

Instruction		Community Participation	The IEP Team, including the parents/family, met on August 20 and agreed that as of this service is not needed. Greg is very active in several community organizations, attends a recreational facility and works in the community through JTP. He is able to independently ride the bus.
Employment		Leisure Recreation	
Residential/Adult Living		Related Services	The IEP Team, including the parents/family, met on August 20 and agreed that Greg has no need of related services at this time. He received speech and language support until his freshman year when it was determined, with family agreement, that he no longer needed speech and language.

BEST COPY AVAILABLE

APPENDIX H

ASSISTIVE TECHNOLOGY

Common Areas of Assistive Technology Application

COMMON AREAS OF ASSISTIVE TECHNOLOGY APPLICATION

AREA OF NEED	EXAMPLES OF EQUIPMENT
Positioning In the classroom students may need assistance with positions for seating so that they are in a position to effectively interact with peers and the teacher and participate effectively in classroom activities	side-lying frames, walkers, crawling assists, floor sitters, chair inserts, wheelchairs, straps, trays, standing aids, bean bag chairs, sand bags
Computer Access Special devices that provide access to computers or environmental controls are necessary for some students to participate in school tasks Note: Once computer access has been established, it should be coordinated with other systems that the student is using, including powered mobility, communication or listening devices, and environmental control systems.	Input devices: switches, expanded keyboards, mouse, trackball, touch window, speech recognition, head pointers, keyguards, key latches, keyboard emulators, electronic communication devices Output devices: adaptations which may be needed to access the screen display such as Braille, text enlargement, or synthesized speech
Environmental Control In order to achieve independent use of equipment in the classroom various types of controls may be necessary	remote control switches, special adaptations of on/off switches
Augmentative Communication A student needs some form of communication in order to interact with others and to learn	symbol systems, communication boards and wallets, electronic communication devices, speech synthesizers, communication enhancement software
Assistive Listening Students are expected to learn at school through listening. Assistive devices, which facilitate learning to speak, read, and follow directions may be a necessary adaptation	personal FM units, sound field FM systems, TDDs, closed caption TV, mild-gain hardware systems
Mobility	

BEST COPY AVAILABLE

Students whose physical impairments limit their mobility may need devices to help them get around the school and participate in student activities	self-propelled walkers, manual or powered wheelchairs, and powered recreational vehicles like bikes and scooters, travel aids for individuals with low vision, blindness or dual sensory impairments (white canes, electronic image sensors which provide information through vibration, and telescopic aids for reading signs or spotting other landmarks).
Visual Aids Vision is a primary learning mode	optical or electronic magnifying devices, low vision aids such as hand-held or spectacle-mounted magnifiers or telescopes, closed circuit television read/write systems, cassette tape recordings, large print books, Brailed materials, computer screen reading adaptations such as enlargement, synthesized voice and refreshable Braille, scanners, optical character readers, reading machines, electronic note taking devices, Braille writers, copy machines which can increase the size or contrast of images, halogen or other lighting modifications, and vision stimulation devices such as light boxes
Computer-Based Instruction Computer-based instruction can enhance independent participation in activities supporting the curriculum	software which can provide tools for written expression, spelling, calculation, reading, basic reasoning and higher level thinking skills
Physical Education, Recreation, Leisure, and Play Assistive technology can help students participate in interactive recreational activities	drawing software, computer games, computer simulations, painting with a head wand, interactive laser disks, adapted puzzles, beeping balls or goal posts, wheelchairs adapted for participation in sports, game rules in Braille or audio cassette, balance or positioning aids, swimming pool lifts, or adapted sports or fitness/exercise equipment
Self Care In order to benefit from education, some students require assistance with self care activities like feeding, dressing, and toileting	robotics, electric feeders, adapted utensils, specially designed toilet seats, and aids for tooth brushing, washing, dressing, and grooming

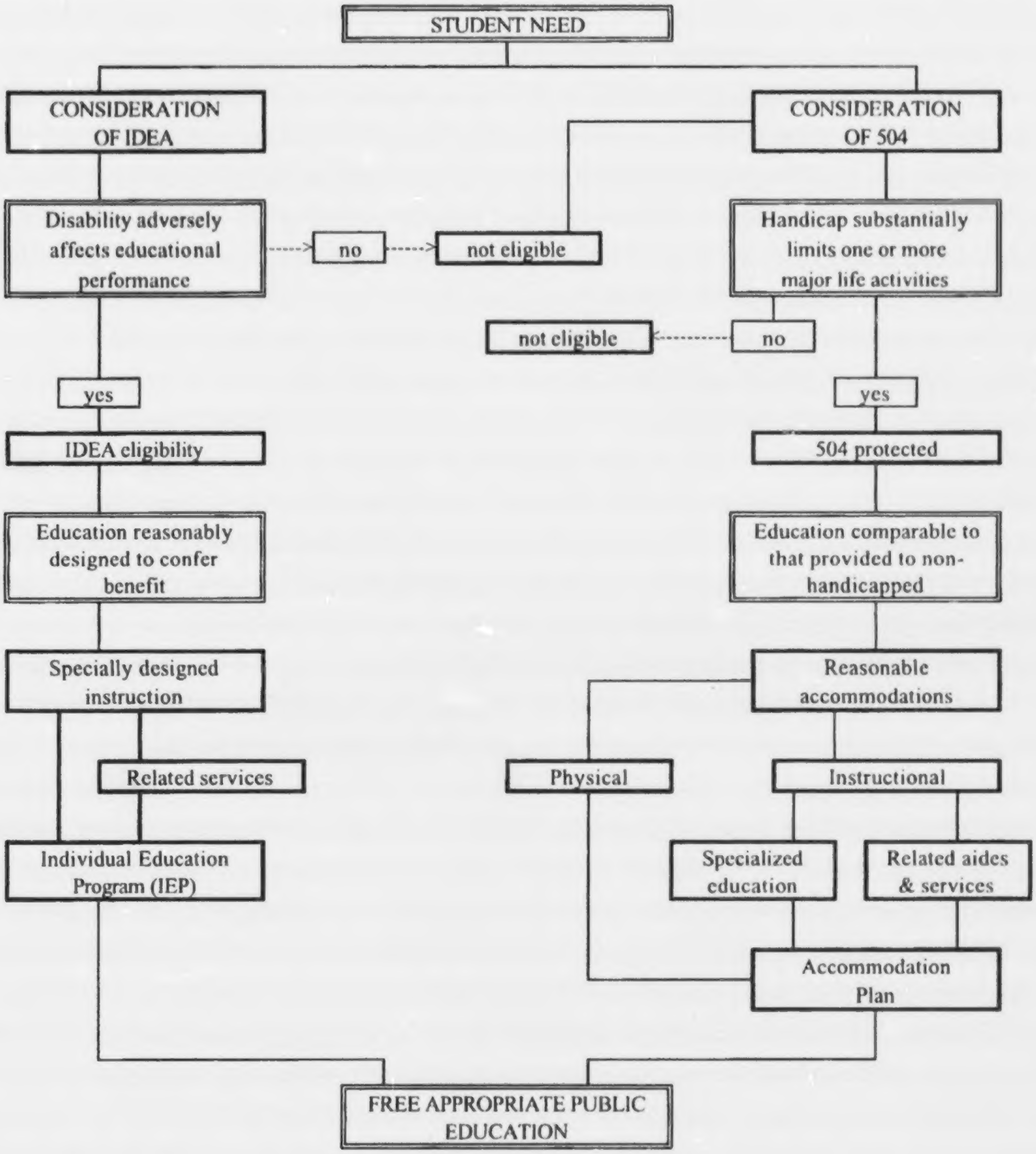
BEST COPY AVAILABLE

APPENDIX I

CLASSROOM ACCOMMODATIONS

1. IDEA/504 Flow Chart
2. Student Accommodation Plan
3. Information Regarding Section 504
4. Classroom and Facility Accommodations

IDEA/504 FLOW CHART


STUDENT NEED
CONSIDERATION OF IDEA
CONSIDERATION OF 504
Disability adversely affects educational performance
no
not eligible
Handicap substantially limits one or more major life activities
not eligible
no
yes
yes
IDEA eligibility
504 protected
Education reasonably designed to confer benefit
Education comparable to that provided to non-handicapped
Specially designed instruction
Reasonable accommodations
Related services
Physical
Instructional
Individual Education Program (IEP)
Specialized education
Related aides & services
Accommodation Plan
FREE APPROPRIATE PUBLIC EDUCATION

Council of Administrators of Special Education, Inc. (CASE) - *Student Access, A Resource Guide for Educators, Section 504 of the Rehabilitation Act of 1973*

BEST COPY AVAILABLE

STUDENT ACCOMMODATION PLAN

NAME: ____________________ BIRTHDATE: __________ GRADE: ______

SCHOOL: ____________________________ DATE OF MEETING: __________

1. Describe the nature of the concern:

2. Describe the basis for the determination of disability (if any):

3. Describe how the disability affects a major life activity:

4. Describe the reasonable accommodations that are necessary:

Review/Reassessment Date: ____
(*must be completed*)

Participants (Name and title)

______________________________	______________________________
______________________________	______________________________
______________________________	______________________________
______________________________	______________________________

cc: Student's Cumulative File

Attachment: Information Regarding Section 504 of the Rehabilitation Act of 1973

BEST COPY AVAILABLE

INFORMATION REGARDING SECTION 504

Section 504 of the Vocational Rehabilitation Act of 1973 prohibits discrimination against persons with a handicap in any program receiving federal financial assistance. The Act defines a person with a handicap as anyone who:

1. has a mental or physical impairment which substantially limits one or more major life activities (major life activities include activities such a caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working);
2. has a record of such an impairment; or
3. is regarded as having such an impairment.

In order to fulfill its obligation under Section 504, the ____________________ school district recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a handicap will knowingly be permitted in any of the programs and practices in the school system.

The school district has specific responsibilities under the Act, which include the responsibility to identify, evaluate, and if the child is determined to be eligible under Section 504, to afford access to appropriate educational services.

If the parent or guardian disagrees with the determination made by the professional staff of the school district, he/she has a right to a hearing with an impartial hearing officer.

The Family Educational Rights and Privacy Act (FERPA) also specifies rights related to educational records. This Act gives the parent or guardian the right to: 1) Inspect an review his/her child's educational records; 2) make copies of these records; 3) receive a list of all individuals having access to those records; 4) ask for an explanation of any item in the records; 5) ask for an amendment to any report on the grounds that it is inaccurate, misleading, or violates the child's rights; and 6) a hearing on the issue if the school refuses to make the amendment.

If there are any questions, please feel free to contact ____________________,

504 coordinator for the school district, at telephone number __________________.

Intervention Accommodations for Handwriting

By Judy Marquette and CISC

Method Accommodations	Material Accommodations	Accommodations Technologies
Peer support	Peer support	Typewriter:
Different kinds of paper	Pencil holders/grips	Peer support
Different colors of paper	Large/primary pencils	Typing/keyboarding instruction
Different line/spacing/line colors	Jumbo crayons	Positioning device
Tape paper to the desk	Markers	Positioning student
Chalk board practice	Grease pencils	Arm stabilization
	Acetate sheets	Wrist rests
Instructional Strategies:	Transparency markers	Movable/stationary custom keyguard
Tracing exercises	Paper stabilizers	Correction tape/pen/fluid
Talk through letter formation	Arm stabilizer/arm guide	
Walk through letter formation	Light pen	Word Processors:
Write letters in the air	Dycem for positioning	Peer support
Dot-to-dot	Tactile letters	Typing/keyboarding instruction
Multi-modality instruction	Stencils/templates	Portable/stationary preferences
	Clipboards	Lightweight options
Modifications:	Tracing paper	Down linking to computer
Adapt tests to fill in the blanks	Electric eraser	Positioning device
Use multiple choice or true/false	Correction tape/pen/fluid	Positioning student
Provide additional time	Rubber name stamp	Arm stabilization
Shorten assignments	Other rubber stamps	Wrist rest
Photocopy notes, etc.	Bingo blotter to make selections	Movable/stationary custom keyguard
Different writing implements	Labels/stickers with names	Cross-age tutoring
Paper position	Automatic number stamp	
Student position	Highlighters	
Avoid using short pencils	Easel	
Peer dictation	Slant board/wedge	
Cross-age tutoring	Personal chalkboard	

BEST COPY AVAILABLE

Intervention Accommodations for Spelling, Grammar, and Punctuation
By Judy Marquette and CISC

Method Accommodations	Material Accommodations	Accommodations Technologies
Modifications:	Flash cards	Tape recorder
Allow more time for completion	Magnetic board and letters	Electronic pocket spell checker
Reduce number of words	Flannel board and letters	Electronic dictionary
	Rubber word stamps	Language Master
Instructional Strategies:	Rubber letter stamps	Speaking Language Master
Paired word associations	Peer support	Spelling Ace/Spell Master
Self-verbalization	Highlighters	
Imagery	Personal chalkboard	Word Processor:
Mnemonic devices	Pocket dictionary	Spell checker
Multi-modality instruction	3-ring notebook dictionary	Peer support
		Cross-age tutoring
Peer support		Typing/keyboarding instruction
Cross-age tutoring		
"Word wall" of common words		
Spelling word booklet		
Problem word lists		
Word banks		

BEST COPY AVAILABLE

Intervention Accommodations for Visual Integration
By Judy Marquette and CISC

Method Accommodations	Material Accommodations	Accommodations Technologies
Enlarge worksheets	Magnifying glass	Mini book light
Enlarge reading material	Magnifying bars	Other additional lighting
Worksheets free of blotches/streaks	Page magnifiers	
Change font on worksheets/test	Slant boards	Typewriter:
Double space worksheets/tests	Easel	Positioning device
Use wide margins on worksheets	Paper holders	Positioning student
Use different colors of paper	Workstation copy holder	Key labels
Change lighting	Stencils	Enlarge text output
Different line spacing/color	Rulers	Change fonts
Darker lines on paper	Colored acetate sheets	Lighting issues
Raised lines on paper	Colored stickers for visual cues	Colored paper
Limit amount of info on a page	Post-It tape flags	Correction tape, pen, fluid
Use finger-for spacing strategy	Peer support	Typing/keyboarding instruction
Peer support	Highlighter	Peer support
Multi-modality instruction	Word window	Cross-age tutoring
	Line marker	
	Anti-glare shield on pages	Word Processor:
		Positioning device
		Positioning student
		Key labels
		Portable/stationary preferences
		Lightweight options
		Down linking to computer
		Enlarge text
		Change font
		Colored paper
		Peer support
		Cross-age tutoring
		Typing/keyboarding instruction

BEST COPY AVAILABLE

Intervention Accommodations for Reading
By Judy Marquette and CISC

Method Accommodations	Material Accommodations	Accommodations Technologies
Modifications:	Magnifying bars	Digital Book System
Extra time for completion	Page magnifiers	Tape recorder
Shorten assignments	Colored acetate	"Books on Tape" Program
Simplify text	Word window	Record books/reading material
Highlight key concepts	Flash cards	Headphones
Provide chapter outlines	Letter cards	Language Master
	Word cards	Speaking Language Master
Instructional Strategies:	Sentence cards	Word Master
Story frame	Tactile letters and words	Electronic dictionary
Before, during, after	Magnetic board and letters	
Echo reading	Felt board and letters/words	
Use positive approach	Colored paper clips to mark pages	
Story mapping	Notebook tabs	
Vary approach	Post-It tape flags	
Multi-modality instruction	Peer support	
Information organizer	Highlighter	
Structured study guides		
What-you-need-to-know chart		
Study carrel		
Peer support		
Cross-age tutoring		

BEST COPY AVAILABLE

Intervention Accommodations for Written Expression
By Judy Marquette and CISC

Method Accommodations	Material Accommodations	Accommodations Technologies
Modifications:	Note cards	Tape record thoughts before writing
Extra time for completion	Word cards	Tape record story to proofread
Shorten assignments	Sentence cards	Headphones
	Clipboards	Electronic dictionary
Instructional Strategies:	Pocket dictionary	Electronic thesaurus
Utilize content outlines	Pocket thesaurus	Word Master
Webbing strategies	Peer support	Speaking Dictionary Companion
Process writing strategies	highlighter	Electric eraser
Writing/story starters		
Use positive approaches		
Study carrel		
Formulate sentences aloud		
Use finger-for-spacing strategy		
Color coding strategies		
Peer support		
Cross-age tutoring		

BEST COPY AVAILABLE

Intervention Accommodations for Daily Organization
By Judy Marquette and CISC

Method Accommodations	Material Accommodations	Accommodations Technologies
Bulletin board schedule	Pocket organizer/planner	Electronic memo/schedule masters
Pocket schedule	Personal organizer	Electronic pocket organizer/planner
Schedule in notebook	Clipboards	Schedule assignments on tape
Appointment book	Stapler	Digital diary
Assignment sheets	Peer support	Electric stapler
Reminder cards	Sticky notes for reminders	
Strategies to keep workspace clear	Notebook tabs	
Strategies to organize desk	Post-It tape flags	
Study carrel for individual work	Colored paper clips	
Color coding strategies	Highlighter	
Peer support	Storage cubicles	
Cross-age support		
Homework journal		
Structured study guides		
Post signs and label areas in room		
Tape a schedule on the desk		

BEST COPY AVAILABLE

Intervention Accommodations for Math
By Judy Marquette and CISC

Method Accommodations	Material Accommodations	Accommodations Technologies
Reduce the number of problems	Abacus	Hand-held calculator
Eliminate the need to copy problems	Counter spools, buttons, etc.	Calculator with printout
Enlarge worksheets	Containers for counters	Talking calculator
Avoid mixing signs on a page	Manipulatives	Language Master + Math
Provide more time for completion	Flash cards	Tape recorder
Graph paper	Set cards	Counting
Raised number lines	Flannel board and numbers	Basic facts
Large number lines	Tactile numbers/signs	Multiplication tables
Life-sized number lines	Automatic number stamp	Combinations
Mnemonic devices	Peer support	Formulas
2-finger counting aids	Highlighter	
	Personal chalkboard	
Instructional Strategies:	Number facts chart	
Multi-modality instruction		
Computational aids		
Color coding strategies		
Green marker to start/red to stop		
Peer support		
Cross-age tutoring		

APPENDIX J

BEHAVIORAL INTERVENTIONS AND DISCIPLINE

1. Definition of "Weapons" and "Controlled Substances"
2. Behavioral Interventions and Discipline
3. Intervention Strategies
4. Forms for
    - Functional Behavioral Assessments
    - Behavioral Intervention Plans
    - Manifestation Determinations
5. Clarification of Terms Related to Emotional Disturbance

UNITED STATES CODE ANNOTATED
TITLE 18. CRIMES AND CRIMINAL PROCEDURE
PART I — CRIMES
CHAPTER 44 — FIREARMS

Current through P.L. 104-333, approved 11-12-96

§ 930. Possession of firearms and dangerous weapons in Federal facilities

* * *

(G) As used in this section:

* * *

(2) The term "dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length.

UNITED STATES CODE ANNOTATED
TITLE 21. FOOD AND DRUGS
CHAPTER 13—DRUG ABUSE PREVENTION AND CONTROL
SUBCHAPTER I—CONTROL AND ENFORCEMENT
PART B—AUTHORITY TO CONTROL; STANDARDS AND SCHEDULES

Current through P.L. 104-333, approved 11-12-96

§ 812. Schedules of controlled substances

* * * * *

(c) Initial schedules of controlled substances

Schedules I, II, III, IV, and V shall, unless and until amended [FN1] pursuant to section 811 of this title, consist of the following drugs or other substances, by whatever official name, common or usual name, chemical name, or brand name designated:

Schedule I

(a) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Acetylmethadol.
(2) Allylprodine.
(3) Alphacetylmathadol.
(4) Alphameprodine.
(5) Alphamethadol.
(6) Benzethidine.
(7) Betacetylmethadol.
(8) Betameprodine.
(9) Betamethadol.
(10)Betaprodine.
(11)Clonitazene.
(12)Dextromoramide.
(13)Dextrorphan.
(14)Diampromide.
(15)Diethylthiambutene.
(16)Dimenoxadol.
(17)Dimepheptanol.
(18)Dimethylthiambutene.

[FN1] Revised schedules are published in the Code of Federal Regulations, Part 1308 of Title 21. Food and Drug.

(19)Dioxaphetyl butyrate.
(20)Dipipanone.
(21)Ethylmethylthiambutene.
(22)Etonitazene.
(23)Etoxeridine.
(24)Furethidine.
(25)Hydroxypethidine.
(26)Ketobemidone.
(27)Levomoramide.
(28)Levophenacylmorphan.
(29)Morpheridine.
(30)Noracymethadol.
(31)Norlevorphanol.
(32)Normethadone.
(33)Norpipanone.
(34)Phenadoxone.
(35)Phenampromide.
(36)Phenororphan.
(37)Phenoperidine.
(38)Piritramide.
(39)Proheptazine.
(40)Properidine.
(41)Racemoramide.
(42)Trimeperidine.

(b) Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine.
(2) Acetyldihydrocodeine.
(3) Benzylmorphine.
(4) Codeine methylbromide.
(5) Codeine-N-Oxide.
(6) Cyprenorphine.
(7) Desomorphine.
(8) Dihydromorphine.
(9) Etorphine.
(10)Heroin.
(11)Hydromorphinol.
(12)Methyldesorphine.
(13)Methylhydromorphine.
(14)Morphine methylbromide.
(15)Morphine methylsulfonate.

(16)Morphine-N-Oxide.
(17)Myrophine.
(18)Nicocodeine.
(19)Nicomorphine.
(20)Normorphine.
(21)Pholcodine.
(22)Thebacon.

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of their salts, isomers, and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) 3.4-methylenedioxy amphetamine.
(2) 5-methoxy-3,4-methylenedioxy amphetamine.
(3) 3,4,5-trimethoxy amphetamine.
(4) Bufotenine.
(5) Diethyltryptamine.
(6) Dimethyltryptamine.
(7) 4-methyl-2,5-dimethoxyamphetamine.
(8) Ibogaine.
(9) Lysergic acid diethylamide.
(10)Marijuana.
(11)Mescaline.
(12)Peyote.
(13)N-ethyl-3-piperidyl benzilate.
(14)N-methyl-3-piperidyl benzilate.
(15)Psilocybin.
(16)Psilocyn.
(17)Tetrahydrocannabinols.

Schedule II

(a) Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.
(2) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (1), except that these substances shall not include the isoquinoline alkaloids of opium.
(3) Opium poppy and poppy straw.
(4) Coca leaves except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine, its salts, optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any

compound, mixture, or preparation which contains any quantity of any of the substances referred to in this paragraph.

(b) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Alphaprodine.
(2) Anileridine.
(3) Bezitramide.
(4) Dihydrocodeine.
(5) Diphenoxylate.
(6) Fentanyl.
(7) Isomethadone.
(8) Levomethorphan.
(9) Levorphanol.
(10)Metazocine.
(11)Methadone.
(12)Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane.
(13)Moramide-Intermidiate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.
(14)Pethidine.
(15)Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine.
(16)Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate.
(17)Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid.
(18)Phenazocine.
(19)Piminodine.
(20)Racemethorphan.
(21)Racemorphan.

(c) Unless specifically excepted or unless listed in another schedule, any injectable liquid which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers

Schedule III

(a) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers.
(2) Phenmetrazine and its salts.
(3) Any substance (except an injectable liquid) which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers.
(4) Methylphenidate.

(b) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any substance which contains any quantity of a derivative of a barbituric acid, or any salt of a derivative of barbituric acid.

(2) Chorhexadol.
(3) Glutethimide.
(4) Lysergic acid.
(5) Lysergic acid amide.
(6) Methyprylon.
(7) Phencyclidine.
(8) Sulfondiethylmethane.
(9) Sulfonethylmethane.
(10)Sulfonmethane.

(c) Nalorphine.

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.

(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.

(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(e) Anabolic steroids.

Schedule IV
(1) Barbital.
(2) Chloral betaine.
(3) Chloral hydrate.
(4) Ethchlorvynol.

(5) Ethinamate.
(6) Methohexital.
(7) Meprobamate.
(8) Methylphenobarbital.
(9) Paraldehyde.
(10)Petrichloral.
(11)Phenobarbital.

Schedule V

Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:
(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.
(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.
(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.
(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.
(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

(d) Repealed. Pub.L. 98-473, Title II, § 509(b), Oct. 12, 1984, 98 Stat. 2072

BEHAVIORAL INTERVENTIONS AND DISCIPLINE

This appendix describes the purposes and components of a functional behavioral assessment (FBA) and a behavioral intervention plan (BIP). These procedures, coupled with a well-defined school-wide discipline management system, are integral parts of an effective behavioral support system for children whose behavior interferes with their learning or the learning of others in an educational setting. Also described in this appendix is the manifestation determination review. All three of these procedures are important components of the federal regulations relating to disciplinary actions for children with disabilities.

A **functional behavioral assessment** (FBA) is a problem-solving strategy utilized by educators, parents, and agency personnel to design an effective plan for helping children learn and choose more appropriate behaviors. These interventions assist the child by specifically identifying these behaviors, as well as the overall context within which they occur. The outcome of an FBA is a behavioral intervention plan that defines the team's strategy for addressing the behaviors, including timelines, role responsibilities, and consequence methods. The FBA should be seen as part of a continuum of evaluation and re-evaluation procedures, not as an isolated practice reserved only for disciplinary proceedings.

In fact, during any educational evaluation of a child or review of a child's IEP, an FBA must be conducted if problem behaviors need to be addressed. The results are then considered during the development of the IEP. Documentation regarding intervention strategies that have already been tried, as well as the positive or negative results they achieved, is very important for ensuring a quality FBA and BIP.

If the IEP team determines that a child's behavior(s) is interfering with his or her learning, or that of other students, a **behavioral intervention plan** (BIP) must be developed. This plan consists of the positive intervention strategies and supports selected by the team to address the child's inappropriate behaviors. As with an FBA, however, a BIP is not only used to react to disciplinary situations, but may be created for any child demonstrating challenging behaviors. This is a tool that is often very effective in reducing the need for more extreme disciplinary measures, such as suspension or expulsion.

When suspension or expulsion of a child with disabilities is contemplated or does occur, however, it is a legal requirement for the IEP team and other qualified personnel to review the possible relationship between the child's behavior and the child's disability. This process is called a **manifestation determination.** If, through this process, the IEP team determines that the behavior in question is related to the child's disability, or is a manifestation of the disability, then suspension or expulsion of the child is not allowed. If the behavior is determined not to be a manifestation of the child's disability, the child may be suspended or expelled in the same manner as a child who does not demonstrate a disability, although special education services must still be provided.

Conducting an FBA, creating a BIP, and completing a manifest determination review may be fairly simple or quite complicated depending on the specific concerns of the child being addressed. Each of these procedures is described below in more detail.

SECTION 1. FUNCTIONAL BEHAVIORAL ASSESSMENT

Definition

As noted above, an FBA is a procedure for gathering information that can be used to help identify the function of a child's behavior. The specific components of an FBA are described next.

Components and Processes

A functional behavioral assessment requires educators to be observant and to consider the world from the child's perspective. The components and steps in the process are the following:

1. **Define the problem**: Ask yourself, "What is the behavior, or behaviors of most concern?" If there are several behaviors identified, choose one or two on which to focus.

   Outcome: A clear written description of the problem behavior.

2. **Gather information**: Consider medical, physical, social concerns, eating, diet, sleep routines, substance abuse history, and stressful events. Ask the child and parents for information related to the behavior selected

   Outcome: Specific biological, physiological, or environmental factors that have a causal effect on the behavior may surface.

3. **Identify events, times, and situations**: Answer key questions that consider when the behavior usually occurs and usually does not occur, such as, "Who is there? What is going on at the time? When does it happen?"

   Outcome: The ability to predict when the problem behaviors will and will not occur across the full range of typical daily routines.
4. **Identify the consequences that maintain the behavior**; This includes information about what happens after the behavior that increases the likelihood the student will perform the behavior again in the same circumstances.

   Outcome: Determination of what function each problem behavior appears to serve for the student.

5. **Development of a theory**: This would include one or more summary statements as to why the student uses the problem behavior. What is the functional intent of the student's behavior?

   Outcome: One or more hypotheses that describe specific behaviors, the situations in which they occur, and the outcomes maintaining the behavior in that situation.

Adapted from O'Neill, Horner, Albin, Sprague, Storey, Newton. (1997). Functional Assessment and Program Development for Problem Behavior: Pacific Grove, CA: Brooks/Cole Publishers.

SECTION 2. BEHAVIORAL INTERVENTION PLAN

Definition

A behavioral intervention plan (BIP), guided by information gained from an FBA, is the overall strategy the team has designed to increase or reduce a definable set or pattern of behaviors demonstrated by a child. This strategy may include the following:

- Teaching preventive and de-escalation techniques to staff, parents, and peers.
- Teaching crisis-response techniques.
- Teaching the child appropriate replacement behaviors.
- Providing positive and negative consequences to the child.

Components of a Behavioral Intervention Plan

Although each BIP will differ according to the needs demonstrated by different children, some common aspects of most BIPs include the following:

- Defining the target behavior in measurable terms.
- Changing some of the who, what, when, and where information derived from the FBA.
- Teaching the child new ways to meet his or her needs (i.e. identifying another behavior or skill that will be taught so the child can accomplish his or her purpose in a more acceptable way).
- Teaching others, including staff members and peers, how to react to the child's behavior in a way that will reinforce appropriate behavior.
- Teaching how to manage a crisis situation, if appropriate.
- Creating an appropriate data collection system that measures progress toward the desired goals and objectives of the plan.
- Scheduling a review date to reconsider the plan.

A form for recording the BIP is provided in this appendix. However, districts are not required to use this form.

Prior to the Implementation of the Behavior Intervention Plan

Prior to implementing a behavior intervention plan, all staff dealing with the child must be trained to execute the plan consistently. A time line for collecting necessary materials, making environmental arrangements, training staff, and starting the plan also needs to be established. Specific tasks should be clearly assigned to all the individuals involved. Once this is accomplished, the plan is ready to implement.

Following the Implementation of the Behavioral Intervention Plan

After the BIP has been implemented for at least two weeks, the team should meet and review the impact the plan is having. Part of this review should consider how successfully the BIP has been implemented and followed by staff members, as well as how successful the BIP has been in preventing or changing the target problem behavior. If the procedures and steps that have been taken are determined ineffective, alternative interventions may be selected. If interventions are repeatedly found to be ineffective, the IEP team may wish to consider further evaluation or a different placement.

The Use of Extraordinary or Alternative Procedures

No reasonable or valid procedure is excluded from being used in a BIP. However, discipline management procedures must be selected and supervised with the utmost care. These procedures may include time-outs, physical restraints, or "room clears," etc. If any extraordinary procedures are required, they shall be considered by the IEP team (including the parent), who must:

- Document the validity of the procedure.
- Document the need for the procedure with objective data.
- Document the training of the staff who will use the procedure.

SECTION 3. MANIFESTATION DETERMINATION

In conducting a manifestation determination review, the IEP team and other qualified personnel may determine that the behavior of the child was not a manifestation of the child's disability **only** if they:

A. First consider all relevant information including the following:

- Whether a child exhibited similar behavior in the past that was attributed to a disability.
- The child' IEP, including supplementary aids and services.
- Evaluation and diagnostic results (e.g. F.B.A.) including information supplied by the student and the parent.
- Observations across educational or activity settings.
- Events immediately proceeding the occurrence of the behavior.
- The extent to which the student's disability impaired his/her awareness and understanding of the impact and consequences of the behavior.

B. And then determine that:

- The child's IEP and placement were appropriate.
- And the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the child's IEP and placement.
- And the child's disability did not impair the ability of the child to control the behavior subject to disciplinary action.
- And the child's disability did not impair the ability of the child to control the behavior subject to disciplinary action.

When the IEP Team Determines that Behavior is not a Manifestation of a Child's Disability

If the IEP team determines that a child's behavior is not a manifestation of the child's disability, then the child is subject to the same disciplinary measures as a child without a disability. If the child's parents do not agree with the IEP team's determination, a due process hearing may be initiated. During the pendency of the procedures, the "stay put" provision will be in effect unless a placement change is agreed to by all parties. An expedited hearing can be held if the school believes the child is a danger to self and others.

INTERVENTION STRATEGIES

- **Appropriate & Motivating Curriculum**
  A curriculum too difficult or easy is likely to increase inappropriate behavior

- **High Rate of Positive Responses from Teachers**
  Teachers must create a positive environment by frequently reinforcing the student for appropriate and correct responses.

- **Structured Daily Schedule**
  Unengaged time is likely to accelerate a student's inappropriate behaviors. A daily schedule must be prepared to maximize on-task behavior.

- **Staff Training**
  All staff must be thoroughly trained in the use of the interventions.

- **Environmental Engineering**
  The arrangement or manipulation of the physical environment and stimuli is important to facilitate appropriate responses and avoid disruption.

- **Instructional Pacing**
  The rate at which the teacher presents instructional material to the learner.

- **Home Notes**
  The purpose of home notes is to provide clear, precise communication between school and home.

- **Precision Commands**
  Precise verbal statements to enhance compliance.

- **Data Collection**
  Collecting information; evaluating the data.

- **Parent Conference**
  Parent must be involved in problem resolution.

- **Special Equipment**
  Consider the need for adaptive equipment.

- **Supervision**
  School staff must provide adequate and appropriate supervision.

- **Self-Management Procedures**
  Student is taught how to monitor and manage his or her own behavior.

- **Behavioral Momentum**
  Student is given a series of high compliance requests before a low probability compliance request.

- **Behavioral Contracting**
  Written documents are mutually agreed upon between the student and the teacher specifying expected behaviors and consequences.

- **Token Economy**
  A student is rewarded for behavior that is occurring with tokens that can later be exchanged for reinforcers.

- **Modeling/Differential Reinforcement of Appropriate Behavior**
  A student learns behavior by observing a modeled response or practicing the desired behavior.

- **Prompting**
  A visual, auditory, or physical cue is presented to the student in order to facilitate a given response.

- **Peer Involvement**
  The use of same and/or cross-age peers for structured social engagements and as "buddies."

- **Meaningful Work Projects**
  Students participate in a "jobs program" within the school in which they are viewed as valuable, contributing employees of the school.

- **Positive Practice Over-Correction**
  Students intensely practice the appropriate behavior for a time period or a specific number of appropriate behaviors.

FORMS

1. Functional Behavioral Assessment

Step 1:	Define the Problem
Step 2:	Gather Information
Step 3A:	Identify Events, Times, and Situations
Step 3B:	Recording Behaviors & Data Collection
Step 4:	Identify Consequences Maintaining Behavior
Step 5:	Develop a Theory

2. Behavioral Intervention Plan

Step 1:	Develop a Plan
Step 2:	Prior to Implementation
Step 3:	Reconsider the Plan

FUNCTIONAL BEHAVIORAL ASSESSMENT
STEP 1: DEFINE THE PROBLEM

Student's Legal Name ______________________________ Date __________

Describe the problem in observable behavioral terms. Be as specific as possible, describing the problem or problems that you are concerned about. Label them according to their seriousness (destructive, disruptive, or distracting). Circle the behavior(s) that you will begin to work on first.

Description of Problem Behavior

1.

Level of Seriousness ☐ Destructive ☐ Disruptive ☐ Distracting

2.

Level of Seriousness ☐ Destructive ☐ Disruptive ☐ Distracting

3.

Level of Seriousness ☐ Destructive ☐ Disruptive ☐ Distracting

4.

Level of Seriousness ☐ Destructive ☐ Disruptive ☐ Distracting

Functional Behavioral Assessment
Step 2: Gather Information

Student's Legal Name ______________________________ Date ______________

Consider the following factors and gather any relevant information that has an impact or may impact behavior of the student.

1. Medical, physical and social concerns (such as medications, illnesses, disfigurements, allergies, lack of friends, inappropriate sexual contacts)

2. Eating, diet, and sleep routines

3. Substance abuse history (types, frequency of use, when and where use occurs, legal problems related to abuse, recent increase or decrease in use)

4. Stressful events and family history (family information, siblings, difficult transitions, emotional losses, etc.)

Functional Behavioral Assessment
Step 3A: Identify Events, Times, and Situations

Student's Legal Name ______________________________ Date __________

Target Behavior ____

Answer these key questions regarding the target behavior.

WHO IS PRESENT…
When the behavior tends to occur?

When the behavior almost never occurs?

WHAT IS GOING ON…
When the behavior tends to occur?

When the behavior almost never occurs?

WHEN DOES THE BEHAVIOR…
Tend to occur?

Almost never occur?

WHERE DOES THE BEHAVIOR …
Tend to occur?

Almost never occur?

HOW OFTEN DOES THE BEHAVIOR OCCUR…

Per hour? ____________ Per day? ____________ Per week ____________

HOW LONG DOES THE BEHAVIOR OCCUR…

Per episode? ____

Functional Behavioral Assessment
Step 3B: Recording Behaviors & Data Collection

Student's Legal Name ______________________ Date(s) ________

Person Recording: ______________________ ________

Target Behavior(s) ______________________ ________

When? Time, Day, Date	What happened before the behavior occurred?	Describe the behavior. Include how intense, long, or how many?	What happened after the behavior occurred?

Note: This is one sample of an observation form that a person can use to collect observable data. Any form that records the triggers, behavior, and consequences (A-B-C Behavior Model) will work. Ensure that the form enables the observer to record all relevant, necessary information.

Functional Behavioral Assessment
Step 4: Identify Consequences Maintaining the Behavior

Student's Legal Name ______________________ Date ________

Target Behavior: ______________________

Answer these key questions regarding what happens after the behavior occurs?

WHAT ARE THE REACTIONS...

of other people in the environment?

of the student towards the other people?

WHEN THE BEHAVIOR OCCURS, WHAT DO...

teachers do?

peers do?

parents do?

WHAT CONSEQUENCE METHODS HAVE BEEN USED...

in the past at school and how did they work?

at home and how did they work?

WHAT SEEMS TO IMPROVE THE BEHAVIOR...

in a short period of time?

if all else fails?

Functional Behavioral Assessment
Step 5: Develop a Theory

Student's Legal Name ______________________________ Date __________

Target Behavior: ____

Now you **NEED** to decide what purpose the behavior is serving the student. Use the who-what-where-when information to think about the situations in which the behavior occurs. Do you see any consistent patterns in the information that triggers the behavior or a consequence after it occurs? Remember, specific behaviors may serve more than one purpose for the student. You may find the checklist to be helpful in developing a theory.

Figuring Out the Purpose of Problem Behaviors

N	S	O	N=Never S=Sometimes O=Often
			The purpose of the behavior may be **ATTENTION** if…
___	___	___	It occurs when you are not paying attention to the student (e.g., you are talking to someone else in the room, talking on the phone, too busy to have a chat, etc.)
___	___	___	It occurs when you stop paying attention to the student.
			The purpose of the behavior may be to **GET/OBTAIN SOMETHING** if …
___	___	___	It occurs when you take away a favorite activity, food, toy, free time, etc.
___	___	___	It stops soon after you give the student what he or she seems to want or has recently requested
___	___	___	It occurs when the student can't have what he or she desires.
			The purpose of the behavior may be **ESCAPE/AVOIDANCE** if…
	___	___	It occurs when you ask the child to do something (e.g., getting ready to change activities, write assignments, speak in front of peers, read in class) that he or she doesn't seem to like or want to do.
___	___	___	It stops after you stop "making demands."
			The purpose of the behavior may be **PLAY** if…
___	___	___	It occurs over and over again in a cyclical manner with friends or peers.
___	___	___	It would occur when no one else is around or the student seems to enjoy performing the behavior (e.g., smiles, laughs).
___	___	___	The student seems to be in his or her "own world" and can't do other things at the same time

Functional Behavioral Assessment
Step 5: Develop a Theory

N S O N=Never S=Sometimes O=Often

The purpose of the behavior may be **SELF STIMULATION** if…

___ ___ ___ It tends to be performed over and over again, in a rhythmic or cyclical manner.

___ ___ ___ It tends to happen when there is either a lot going on or very little (e.g., noise, movement, people, activity).

___ ___ ___ The student can still do other things at the same time as performing the behavior.

The purpose of the behavior may be **CONTROL/POWER** if …

___ ___ ___ It tends to be bossy.

___ ___ ___ The student wants to show others they can't be pushed around.

___ ___ ___ The student often refuses to comply and seems to want to disrupt the established order.

THE MAIN PURPOSE OR FUNCTION OF THE BEHAVIOR IS…

*Adapted from Durand & Crimmins, 1988

Behavioral Intervention Plan
Step 1: Develop a Plan

Student's Legal Name ______________________ Date __________ Review Date: __________

Target Behavior (State in observable terms and identify the data collection system to measure progress):

____

____

Components of a Behavioral Intervention Plan (BIP):

Preventing:	How will situations (who-what-when-where) change that seem to be associated with the behavior?
Teaching:	What other behavior or skill will be taught to the student so he or she can accomplish their purpose in a more acceptable way?
Reacting:	How will people react when the problem behavior occurs in a way that does not feed into the student's purpose or cause the adult greater upset and stress?

Preventing	Teaching	Reacting/Crises Management

BEST COPY AVAILABLE

Behavioral Intervention Plan
Step 1: Continued

Student's Legal Name ______________________ Date __________ Page ______

Target Behavior (State in observable terms and identify the data collection system to measure progress):

Preventing	Teaching	Reacting/Crises Management

BEST COPY AVAILABLE

Behavioral Intervention Plan
Step 2: Before Implementing the Plan

Student's Legal Name ______________________________ Date __________

What arrangements need to be made to follow through with the plan? What is the time line for getting materials, training, and starting the plan?

Materials needed: ______________________________

Help from others needed: ______________________________

Person	Task	Date to Initiate/ Complete

Behavioral Intervention Plan
Step 2: Before Implementing the Plan

Student's Legal Name ______________________________ Date __________

At this point, carefully consider success at both following through with the plan and with preventing or changing the problem behavior that is being addressed.

Has everyone been able to follow the plan that was written...

For preventing:

For teaching:

For reacting:

For crisis management:

Do you feel that the theory about the purpose of the behavior was correct?

What positive changes have you seen?

What areas of the plan need to be continued?

What areas of the plan need to be changed?

MANIFESTATION DETERMINATION WORK SHEET

Student: ______________________ Date: __________

Special Education Disability: ____________________________________

Section 504/ADA Impairment: ____________________________________

Student Number ________

Manifestation Team Members (by name and role)

_________________________________ _________________________________

_________________________________ _________________________________

_________________________________ _________________________________

Sources of Information (attachments)

_____ F.B.A. _____ Evaluations _____ Interviews _____ Observations _____ B.I.P

Description of misconduct:

Description of proposed disciplinary action:

Does the proposed disciplinary action constitute a change of placement (e.g., more than 10 consecutive days)?

__________ If **NO**, proceed with disciplinary action.

__________ If **YES**, continue with manifestation determination review.

BEST COPY AVAILABLE

A. NATURE OF THE DISABILITY

1. What is the student's disability? (Specify behavioral characteristics and severity.)

2. What major life functions are impacted? (Include a description of how the disability influences academic and /or social performance.)

3. To what extent are those major life areas impacted? (Include a description of the **student's strengths**, **deficits**, and **coping strategies**.)

4. To what extent, if any, does the disability preclude the student from having the capacity to know that engaging in the behavior was wrongful?

5. To what extent, if any, does the disability impair the student's awareness and understanding of the impact and consequences of such behavior?

BEST COPY AVAILABLE

B. REVIEW OF DISCIPLINARY RECORDS

1. What is the behavioral history of the student? (Include a description of severity, setting, and frequency.)

2. What is the history of behavioral interventions? (Include a description of how long the behavior has been occurring untreated, settings where interventions have been applied, and results of the behavioral techniques used to date.)

3. Did the student exhibit similar behavior in the past that was attributable to the disability? (If yes, provide the approximate date(s), specific behavior, and resulting intervention and discipline).

C. ROLE OF IMPULSIVITY

1. To what extent, if any, does the disability impair the student's behavioral controls? (Include a description of specific characteristics related to the disability and the student's ability to consider long range consequences before acting.)

2. To what extent, if any, does the student's behavior demonstrate a pattern of impulsivity?

3. What are the discrepancies between the student's behavior in the home setting and the school setting?

4. To what extent, if any, are the current and previous act(s) of misconduct related to impulsivity?

D. FINAL DETERMINATION

Based on the above factors, is there a relationship between the student's misconduct and his or her disability?

_______ **YES** _________ **NO**

If **YES**, the IEP Team should reevaluate the student's IEP, including the appropriateness of the placement.

If **NO**, the student is subject to the same discipline procedures applicable to non-disabled students (except that under the IDEA 97 educational services may not cease).

CLARIFICATION OF TERMS RELATED TO EMOTIONAL DISTURBANCE

The following information is provided to help clarify the meaning of some words and phrases commonly associated with the eligibility category *emotionally disturbed (ED).*

Long Period of Time

Transitory Situations

Refers to situational problems that may be understandable given the nature of the circumstances. For example, a death in the family, divorce, moving to a new school, financial crisis, physical illness or injury may produce transitory behavior changes. In general, a crisis is a temporary period of instability, bounded by times of greater stability. Periods of instability tend to be time limited; six to eight weeks for example.

Non-transitory Situations

Refers to behavior changes that do not return to the adaptive state that existed prior to a precipitating event. To determine this requires evidence of appropriate behavioral functioning prior to a significant negative change in behavior. Historical information is very important in this process.

Chronological Age

"Long period of time" should be considered in relation to the chronological age of the student. Less than a year may be a long time for a young child, while the same period of time may not be long for a teenager.

In Regards to Specific Conditions

Using commonly accepted professional criteria and standards, such as DSM-IV, maladaptive behavior may need to exist for a minimum length of time before being considered to meet the criteria of "long period of time". For example, behaviors commonly associated with schizophrenia must persist for at least six months before a certification can be recommended. Six months is commonly used for other behavior disorders as well.

Marked Degree

In order to quantify "to a marked degree," the following questions should be answered:

- Is the behavior in question considered a significant problem by more than one observer and in more than one setting?
- What is the frequency, intensity and/or duration of the behavior? Is the frequency, intensity and/or duration significantly different from that of a similar child in the same or similar circumstances?
- In which settings does the behavior occur?
- Are there noticeable or predictable patterns to behavior?
- How does the behavior affect others?

- Is the behavior identified as a concern by norm-referenced behavior measures?

Test Data

Results from standardized and/or norm-referenced instruments are used to substantiate "to a marked degree," but are not to be the sole source of information. Observable events are to be documented using appropriate instruments, interview formats and structured observations. Results obtained from personality inventories and/or projective instruments should be substantiated by behavioral examples.

Adversely Affects Educational Performance

In order for an IEP team to determine that a child is demonstrating an emotional disturbance, there must be evidence that the child's educational performance is adversely affected. In addition, there must be a demonstrated linkage between the student's behavior and decreased educational performance.

In order to measure the degree to which educational performance is adversely affected, the following questions should be addressed:

- Is the child's educational performance substantially within the range expected for his/her chronological age?
- If performing below academic expectations, is the probable cause emotional or behavioral problems?
- Are the emotional or behavioral problems affecting the educational performance of this child to a greater degree than similar problems affect the performance of peers?
- Does the child achieve passing grades? Is there regular academic growth? Has the child been held back?
- Is the child absent frequently? If so, how has the child's grades been affected?

Qualifying Characteristics

An inability to learn which cannot be explained by intellectual, sensory, health factors:

- Inability to learn: A discrepancy between the ability to learn in relation to how much is being learned.
    - Primary Handicap: Reduced (retarded) cognitive skills, sensory deficits, or health impairment cannot be the primary cause of the discrepancy. A specific learning disability may exist, but cannot be the primary cause of the behavioral/emotional problem.

An inability to build or maintain satisfactory interpersonal relationships with peers and teachers

- Interpersonal Relationships: Focus is on the "inability to build or maintain" satisfactory relationships with others. Does not refer to students who have problems with a particular teacher or with one or more peers. Relationship problems which are pervasive. Difficulty in establishing and maintaining group membership. Conflict and chaos characterize all relationships.

- Relationships and Settings: May include those who are profoundly withdrawn, have poor reality contact, lack social skills but have the ability to learn them. Does not include students who have appropriate, satisfactory relationships with peers in their subculture, yet violate community norms.

Inappropriate types of behavior or feelings under normal circumstances

- Significantly Inappropriate Behaviors: Would include bizarre verbalizations, overreactions, repeated recitation of words, fetishes, and obsessive and compulsive behaviors. Would also include inappropriate sexual behaviors such as inappropriately touching others, public masturbation, unusual or provocative sexual verbalization.
- Significantly Inappropriate Feelings: Must have documentation that persistent and significantly inappropriate feelings exist which are not justified by circumstances. Documentation to include negative self statements as well as feelings which are reflected in and inferred from observable behavior.

A generally pervasive mood of unhappiness or depression

- Severe Unhappiness or Depression: Manifested in different ways in different children. Signs may include constant crying, withdrawal, boredom, listlessness, as well as angry, aggressive or agitated behavior. Eating and sleeping problems, or loss of interest in usual activities are also signs, as are feelings of hopelessness and suicidal tendencies.
- Situation-Specific Depression: Would not include feeling depressed about a death in the family or divorce of parents, which are situation specific and for the most part normal and tend to be "resolved" (i.e., satisfactory level of appropriate equilibrium) within six to eight weeks.

A tendency to develop physical symptoms of fears associated with personal or school problems.

- Persistent Physical Symptoms: Chronic, as opposed to acute, physical reaction to some situation at home or school. Would include such reactions as headache, nausea, asthma, ulcers, colitis, etc. Would require medical evidence that the problem does not have a physical origin. Must have negative impact on learning. Need to obtain data across settings and over time.
- School Phobia (refusal): Although this condition meets criteria for eligibility and certification, placement would probably not be recommended. Other less restrictive treatment interventions (systematic desensitization) are likely to resolve the problem.

Behavior Patterns Excluded from Emotional Disturbance Eligibility

- Children who persistently violate the basic rights of others and major age-appropriate societal norms have serious conduct problems which are very disturbing, especially in school. However, they **do not** qualify as ED. Children with a conduct disorder tend to manifest the following behaviors: stealing, running away from home, lying, deliberately setting fires, often truant from school, breaking into some else's home, deliberately destroying property, cruel to animals, often initiates physical fights and physically cruel to people. School and/or community-based interventions are to be pursued.

- Children who are negativistic, hostile and defiant present significant management problems for teachers and administrators. Their behavior is characterized as "oppositional" and includes: frequent loss of temper and arguments with adults, defying adult requests, deliberately annoying other people and being annoyed by others, blaming others for their own mistakes, frequently angry, resentful, spiteful or vindictive and frequently uses obscene language. Children who tend to manifest these behaviors **are not** considered emotionally disturbed. School and/or community-based interventions are to be pursued.

GLOSSARY OF COMMONLY USED TERMS

Sections

1. Definitions
2. Acronyms & Abbreviations
3. Resource Listing

BEST COPY AVAILABLE

DEFINITIONS

Accomodations – As used in testing, accommodations are alterations in how a test is presented to the test taker or how the test taker responds. Accommodations include a variety of alterations in presentation format, response format, setting in which the test is taken, timing, or scheduling. The alterations do not substantially change level, content, or performance criteria. The changes are made in order to "level the playing field;" that is, to provide equal opportunity to demonstrate what is known.

Adaptations - Any adjustments or modifcations in environment, instruction, or materials used for learning that enhance the student's performance or allow participation in an activity.

Adaptive Behavior - The effectiveness with which the individual meets the standards of personal independence and social responsibility expected of his or her age and cultural group. An assessment of a child's adaptive behavior is a required component of the mental retardation eligibility category.

Adult services - Includes health, social, housing, transportation and/or employment opportunities normally provided for persons age 18 or older through public, non-public, non-profit agencies.

Age of majority - The age of majority in Alaska is 18 years. One year before the date of the student's 18th birthday, the district must provide notice to the student and the parents of the transfer of rights.

Alternate Assessment – The Alternate Assessment is a component of Alaska's statewide assessment system. It is a portfolio assessment that is utilized for students in grades 3, 6, 8, and 11 with significant disabilites who are involved in a functional, basic skills program, rather than the standard curriculum. IEP Teams determine whether the student participates in the Alternate Assessment or in the standard statewideand district assessments.

Alternative assessment - Beginning in the 2004 school year, students with disabilities who do not pass some or all sections of the High School Graduation Qualifying Examination may participate in an alternative assessment designed by the student's IEP team and approved by the department. The department will develop guidelines for IEP teams to follow in creating alternative assessments. This process should not be confused with the Alternate Assessment described above.

Appropriate educational program - Individually planned instruction with sufficient support services to permit the child to benefit educationally from instruction.

Assistive technology device - Any item, piece of equipment or product system, whether acquired commercially off the shelf, modified or customized, that is used to increase, maintain or improve functional capabilities of individuals with disabilities.

Assistive technology service - Any service that directly assists an individual with a disability in the selection, acquisition or use of an assistive technology device. The term includes:

A. The evaluation of the needs of an individual with a disability, including a functional evaluation of the individual in the individual's customary environment.
B. Purchasing, leasing or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities.
C. Selecting, designing, fitting, customizing, adapting, applying, retaining, repairing or replacing of assistive technology devices.
D. Coordinating and using other therapies, interventions or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs.
E. Training or technical assistance for an individual with a disability, or when appropriate, that individual's family.
F. Training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers or other individuals who provide services to employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.

Audiology - includes the following services:

A. Identification of children with hearing loss.
B. Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing.
C. Provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip-reading,) hearing evaluation, and speech conservation.
D. Creation and administration of programs for prevention of hearing loss.
E. Counseling and guidance of pupils, parents, and teachers regarding hearing loss.
F. Determination of the child's need for group and individual simplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.

Behavior Intervention Plan (BIP) - A behavior intervention plan is comprised of practical and specific strategies designed to increase or reduce a definable set or pattern of behaviors. These strategies address preventive techniques, teaching replacement behaviors, and how to react to the behavior of concern. The BIP is often developed in conjunction with a functional behavioral assessment (FBA).

Benchmarks - Term that can be used interchangeably with short term objectives in the goal section of the IEP. Benchmarks are used for broad life skills to be acquired rather then discrete academic tasks. Benchmarks are measurable and must be linked to the measurable annual goal.

Benchmark exam - A statewide assessment given to students in grades 3, 6, and 8 to determine level of achievement in math, reading, and writing.

Child - A person between birth and 21 years of age who has a disability, or is suspected of having a disability, whether or not enrolled in a public or private education program. The term also includes children not yet enrolled in school but for whom an educational record has been created.

Child with a disability - A child demonstrating one or more of the following: autism, deaf-blindness, mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), emotional disturbance, orthopedic impairments, other health impairments, early childhood developmental delay, traumatic brain injury, or specific learning disabilities; and who by reason thereof, needs special education and related services.

Competency/Incompetency - Competency is a legal concept that refers both to a person's right and ability to manage his/her own affairs and make life decisions. A competent person is entitled to make decisions; an incompetent person has a legal representative, or "guardian," who makes decisions on behalf of the person determined to be incompetent. Adults are presumed competent while minors are presumed incompetent. The presumed incompetence of a minor can be overcome by "emancipation" or can be modified by laws pertaining to certain proceedings. The presumed competence of an adult can be overcome by special judicial proceedings to declare the person incompetent, proceedings for "interdiction", or for a "continuing tutorship". Without clear proof, adults are considered competent and able to make their own decisions.

Content standards – These have been adopted into regulation by the State Board of Education & Early Development in twelve core subject areas: English/language arts, mathematics, science, geography, government & citizenship, history, skills for a healthy life, arts, world languages, technology, employability and library/information. Content standards are broad statements of what students should know and be able to do as a result of their twelve years of public schooling.

Continuing and adult education - Organized educational programs conducted by qualified personnel for individuals who have graduated or left high school.

Counseling services - Services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.

Day, Business day, and School day-

1. Day: means calendar day.
2. Business day: means Monday through Friday (except for federal and state holidays unless holidays are specifically included).
3. School day: means any day or partial day that children are in attendance at school for instructional purposes.

Development of the IEP - A discussion by the IEP Team during the IEP meeting or meetings regarding each component of the IEP.

BEST COPY AVAILABLE

Disability - Under IDEA 97 and applicable Alaska law and regulations, children with disabilities are those who meet the following three criteria:

1. The child demonstrates one of the educational disabilities defined in Part III.
2. The presence of the disability adversely affects the educational performance of the child.
3. The child requires special education and related services.

Section 504 defines a person with a disability as

> Any person who has a physical or mental disability which substantially limits a major life activity or has a record of such disability or is regarded as having such a disability.

Due Process Hearing - When a district and parent disagree on issue related to a child's special education program, either may request an impartial hearing. A hearing officer trained and assigned by the department will preside over the hearing and arrive at a decision.

Early identification - The implementation of a formal plan for identifying a disability as early as possible in a child's life.

Education performance - Performance in school, or in the case of preschool children with disabilities, performance in an age-appropriate setting.

Education record - A record that is directly related to a student and maintained by a district or by a party acting for the district. Included in this are medical and psychological reports and records, and any records of test results. The term does not include:

A. Records of instructional, supervisory, and administrative personnel (and educational personnel ancillary thereto) which are in the sole possession of the person who made them and which are not accessible or revealed to any other individual except another person who performs on a temporary basis the duties of the person who made the record.
B. Test instruments (as distinguished from test results), test booklets and other testing materials.
C. Certain records maintained by law enforcement units of education agencies.
D. Records maintained about student employees.
E. Records maintained about students who are 18 years of age or who are enrolled in an institution of post-secondary education.

Educational Service Agency (ESA)- A regional public agency authorized by State law to develop, manage, and provide services or programs to local educational agencies. An ESA is also an administrative agency for special education and related services provided within Alaska's public elementary and secondary schools.

Emancipation - A legal process for freeing a minor from all or part of the restrictions of childhood, including the presumption of legal incompetency.

Equally effective - A nonacademic or extracurricular service or activity must afford a child with a disability an equal opportunity to obtain the same result, to gain the same benefit or to reach the same level of achievement.

ESY (Extended School Year) - Extended school year services means special education and related services that meet state standards and are provided to a child with a disability beyond the normal school year, in accordance with the child's IEP, and at no cost to the parents of the child.

Evaluation - Process of determining if a child has a disability and the nature and extent of the special education and related services that the child may need. Evaluation procedures are used selectively with an individual child and does not include basic tests administered to, or procedures used with, all children in a school, grade or class.

Excess cost - Costs that are in excess of the average annual per-student expenditure in a local educational agency during the preceding school year for an elementary or secondary school student, as may be appropriate, and which shall be computed after deducting—

(A) Amounts received
  (i) under part B of this title;
  (ii) under part A of title I of the Elementary and Secondary Education Act of 1965; or
  (iii) under part A of title VII of that Act; and
(B) Any State or local funds expended for programs that would qualify for assistance under any of those parts.

Free and appropriate public education (FAPE) - The term "free appropriate public education" means special education and related services that

A. Have been provided at public expense, under public supervision and direction, without charge;
B. Meet the standards of the State educational agency;
C. Include an appropriate preschool, elementary, or secondary school education; and
D. Are provided in conformity with IEP requirements under IDEA 97.

Full interdiction - An extreme measure taken to judicially declare an adult incompetent, rendering him or her legally incapable of decision-making, and giving authority for decisions to the interdict's guardian, the curator. Interdiction is only available when a temporary or permanent physical or mental illness or disability, or habitual drunkenness, make the individual incapable of taking care of personal needs and administering an estate. It is the requirement of incapacity to take care of person and property which distinguishes "full" from "limited" interdiction; one's person or property.

Functional behavioral assessment (F.B.A.) - Process for determing why a student engages in challenging behavior and how a student's behavior relates to the environment. This type of assessment can provide an IEP team with useful data in order to design effective behavior intervention plans that assist the student in developing more appropriate behaviors and reducing inappropriate behaviors.

Functional vocational evaluation - An assessment of occupational interests, aptitudes and preparation opportunities.

General curriculum - The same curriculum as for students without disabilities.

Guardian - A private individual who has been given the legal custody of a child by state court or by through the laws of a state.

High School Graduation Qualifying Exam (HSGQE) - Beginning in 2004, Alaska students must pass this exam in order to be eligible for a diploma. The exam assesses student proficiency in the areas of reading, math, and writing.

Identify and locate - Related to Child Find, it is the process through which districts notify a parent that the district has reason to believe that the parent's child may have a disability and require special education and related services. Such children may include those not yet of school age, as well as those enrolled in school (public or private), home school, charter school, correspondence school, or educational programs in correctional facilities in the district. This process may also involve children who have voluntarily or involuntarily left school (without graduating) who are still of school age .

Independent educational evaluation (IEE)- An evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question. The primary purpose of an IEE is to determine eligibility, not to develop the IEP.

Independent living - Initiating, maintaining and/or actively participating in a household using self-generated resources.

Individualized Education Program (IEP) - A written statement that is developed by the IEP team and translates evaluation information into a practical plan for specially designed instruction and delivery of services.

Individualized Family Service Plan (IFSP) - Required by IDEA under Part C for infants and toddlers receiving early intervention services; the IFSP combines the IEP notion of planning with the idea that the family is critical to infant development. For children with disabilities ages 3-5, an IFSP may serve as the IEP is using that plan is agreed to by the district and at least one of the child's parents.

Informed consent – Informed consent means that

A. A child's parents have been fully informed, in the parent's native language or other mode of communication, of all information relevant to the activity for which consent is sought.
B. The parent understands and agrees in writing to the carrying out of the activity for which the consent is sought.
C. The consent describes that activity and lists any records that will be released and to whom.

D. The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time. However, parents may not retroactively revoke consent for actions that have already been taken by the district.

Instructional placement - The setting or settings in which special education services are provided, not the specific classroom or teacher.

Integrated employment - Paid work in sites and settings not unique to individuals with disabilities.

Interim Alternative Educational Setting (IAES): A setting, other than the student's current educational placement, where the student will still receive FAPE. The setting is determined by the IEP team and selected to enable the student to continue to participate in the general curriculum and receive those services and modifications included in the student's IEP. Due to a disciplinary action, a change in placement may be ordered for a student with a disability:

A. To an appropriate educational setting, another setting, or suspension for not more than 10 school days (to the extent that such alternatives would be applied to students without disabilities).

B. To an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 days if the student carries a weapon or knowingly possess drugs.

Involuntary commitment - If an individual has been legally determined to be dangerous to self, or not capable monitoring self-care, personal safety, or either, or has been found not guilty by reason of insanity or presently lacking the mental capacity to proceed to trial, then the individual may be remanded to the custody of DHSS to provide appropriate living options and services.

Itinerant Services - Services provided by a special education teacher or related service provider to assist a regular teacher, or a classroom aide in serving children with disabilities. The Itinerant Service provider must develop and plan the program of a child with a disability when a teacher or teacher aide provides the direct services to the child. Supervision must be on-site, at least monthly, and **must be** included on the IEP of a child with a disability.

Least Restrictive Environment (LRE) - Each child with a disability should receive services in an instructional setting that most closely approximates the learning environment of his/her non-disabled peers (regular classroom) in a manner beneficial to the individual student and students in the regular classroom. The LRE is determined by the IEP team.

Legally adequate consent - Consent given by a person when each of the following conditions has been met:

A. The person giving consent is of legal age and has not been adjudicated incompetent to manage his or her personal affairs by an appropriate court of law.

B. The person giving consent has been informed of and adequately comprehends the matters, purposes, consequences, and risks of the procedure and benefits of any alternative procedure, and the fact that withholding or withdrawal of consent shall not prejudice future provision of care and services to the recipient. Furthermore, in cases of unusual or hazardous treatment procedures, experimental research, organ transplantation, and non-therapeutic surgery, the person giving the consent has been informed of and adequately comprehends the method to be used in the proposed procedure.

C. The person giving the consent has given it voluntarily, free from coercion and undue influence.

Legal status determination - The establishment of whether it is a matter of record that the individual can give legally adequate consent or another person must give consent (e.g., the parent of a minor, a person properly designated by a court of competent jurisdiction).

Limited interdiction - Where incapacity is not sufficient for full interdiction limited interdiction may be appropriate. This may occur in response to a petition for full interdiction or limited interdiction. A judgment of limited interdiction provides for a limited curator who possesses only those specific powers necessary to provide for the needs of the interdict; the specific power and authority are not set out in the judgment of limited interdiction. The limited interdict is not deprived of any civil right, power, or authority except as specifically removed by the court. The law requires that the rights of the limited interdict must be infringed in the least restrictive manner consistent with his incapacities. In all other respects, limited interdiction uses the same procedures and safeguards as full interdiction.

Location – The type of instructional environment that is the appropriate place for providing services (e.g., resource room, regular classroom).

Majors - Adults, persons who are age eighteen or above.

Manifestation Determination - A manifestation determination requires the IEP team to review the possible relationship between a student's disability and the student's behavior that may result in a suspension or explusion. The team must consider evaluation and diagnostic results, including data gleaned from the F.B.A. The team must also determine if the IEP and placement is appropriate, if the required program, including supplemenatry aids and services were provided, if the delineated behavioral interventions were consistently/reliably implemented as outlined in the IEP, and if the student understood his or her behavior and could control the behavior.

Maximum extent appropriate - The maximum integration of children with and without disabilities in the instructional and non-instructional setting consistent with the avoidance of harmful effects.

Medical services - Services provided by a licensed physician to determine a child's medically-related disability that results in the child's need for special education and related services.

Mediation - Process designed to assist parent(s), school or infant learning program personnel in resolving disagreements regarding the provision of an appropriate public education for children with disabilities under Part B and Part C of IDEA 97. Mediation is a voluntary process agreed to by a parent and the district and provided at no cost.

Minors - Persons who are under the age of eighteen.

Native language - The language normally used by the child in the home/learning environment. Also for individuals with deafness/blindness/no written language, it is the mode of communication normally used, e.g., sign language, Braille, or oral communication.

Nonacademic and extracurricular services and activities - They nclude the following services or activities when provided by a district: counseling services, athletics, transportation, health services, recreational activities, referrals to agencies which provide assistance to persons with disabilities, assistance provided by the public agency in making outside employment available, meals, recess periods.

Nonsupplanting - Part B funds may not be used for the payment of any costs directly attributable to the provision of FAPE to children with disabilities that would have been provided to such children by other federal, state and/or local funds.

Occupational therapy (OT) – OT services are provided by a qualified occupational therapist and include

A. Improving, developing or restoring functions impaired or lost through illness, injury, or deprivation;

B. Improving ability to perform tasks for independent functioning when functions are impaired or lost; and

C. Preventing, through early intervention, initial or further impairment or loss of function.

Orientation and mobility services – Services provided by qualified personnel to children who are blind or who have visual impairments to enable them to attain systematic orientation to, and safe movement within their environments in school, home, work, and community. Services include:

A. Spatial and environmental concepts and use of information received by the senses (such as sound, temperature, and vibrations) to establish, maintain, or regain orientation and line of travel (e.g., using sound at a traffic light to cross the street);

B. To use the long cane to supplement visual travel skills or as a tool for safely negotiating the environment for students with no available travel vision;

C. To understand and use remaining vision and distance low vision aids; and

D. Other concepts, techniques, and tools.

Outcome oriented process - A series of events unique to an individual student's need that lead directly to integrated employment, supported employment, post-secondary education, continuing and adult education, adult services, independent living and/or community participation.

Parent - A parent means a natural or adoptive parent of a child; a guardian, (but not the state if the child is a ward of the state); a person acting in the place of a parent (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare; or a surrogate parent who has been appointed in accordance with the steps outline in this handbook.

Parent counseling and training - A related service that helps parents acquire the necessary skills to support the implementation of their child's IEP.

Performance standards – Performance Standards are measurable statements of what students should know and be able to do. These standards are assessed using statewide assessments and other evaluation tools.

Person acting as a parent - A person who, with the consent of the parent, is acting in the place of the parent during the parent's absence. If a person acting as a parent is not a member of the child's extended family, written consent from the parent agreeing to such an arrangement must be provided to the district.

Personal or professional bias - An interest that precludes an individual from performing required responsibilities in an objective manner.

Personally identifiable information- Information that includes some or all of the following:

A. The name of the child, the child's parents, or other family member;

B. The address of the child;

C. A personal identifier, such as the child's social security number or student number; or

D. A list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

Person-centered planning (PCP)in the secondary transition process – Person-centered planning is a process and structure used in developing a student's IEP. This process can be used at any age that the team believes transition is an important part of IEP development.

Physical therapy - Services provided by a qualified physical therapist, with emphasis on impairments of movement that lead to functional limitations.

Placement - The overall education environment in which special education and related services are provided to a child with a disability and includes, but is not limited to, the child's instructional placement.

Post-school activities - Include post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living or community participation.

BEST COPY AVAILABLE

Post-secondary education - Organized educational programs provided by qualified personnel which are available beyond grades 9-12, such as those provided in community colleges; vocational-technical institutes; and four year colleges and universities.

Psychological services - Services provided by an appropriately trained psychological professional that include:

A. Administering psychological and educational tests, and other assessment procedures;
B. Interpreting assessment results;
C. Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning;
D. Consulting with other staff members in planning school programs to meet the special needs of children as indicated by psychological tests, interviews, and behavioral evaluations;
E. Planning and managing a program of psychological services, including psychological counseling for children and parents.
F. Assisting in developing positive behavioral intervention strategies.

Public expense - The public agency either pays for the full cost of the educational service or insures that it is otherwise provided at no cost to the parent.

Public Law 105-17 – Federal statutory reference for IDEA 97.

Quality Schools Initiative (QSI) –Alaska's statewide school reform effort that is designed to improve learning results for ALL students, including students with disabilities.

Record - Information or data recorded in any medium, including, but not limited to: handwriting, print, tapes, diskettes, film, microfilm and microfiche, photographs or drawings.

Recoupment - The ability to regain or recover the level of skills attained prior to interruption of programming.

Recreation – Component of secondary transition planning for students with disabilities. Includes assessment of leisure function; therapeutic recreation services; recreation programs in school and community agencies; and leisure education.

Regression - A reversion to a lower level of functioning, as evidenced by a decrease in the performance level of previously attained skills that occurs as a result of an interruption in educational programming.

Regular class - A specific instructional grouping within the regular educational environment.

Regular educational environment - The regular classroom and any other instructional setting in which both regular and special education services may be provided to children with and without disabilities, but does not include a classroom or other instructional setting in which the selection of children without disabilities is based on the criterion of educational disadvantage.

Rehabilitation counseling services – Services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term also includes vocational rehabilitation services provided to a student with disabilities by vocational rehabiliation programs funded under the Rehabilitation Act of 1973.

Related services - Transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training.

Review and revision of the IEP - An evaluation by the IEP Team of the current accuracy and appropriateness of each of the statements or determinations called for in the development of the IEP and the actual formulation of additions, deletions or other modifications to the IEP.

School health services - Services provided by a qualified school nurse or other qualified person.

School term - A school term begins and ends on the dates fixed by the governing body of a school district. A school term shall include not less than 180 days in session, unless with the approval of the commissioner (AS 14.03.030)

Screening - A brief procedure for identifying children who should receive a more comprehensive assessment, and may include informal, non-standardized procedures or formal, standardized procedures.

Self-sufficiency - The demonstration of independence evidenced by the ability to acquire skills commensurate with assessed potential.

Social work services in schools - Services include the following:

A. Preparing a social or developmental history on a child with a disability.
B. Group and individual counseling with the child and family;
C. Working in partnership with parents and others on those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school.
D. Mobilizing school and community resources to enable the child to receive maximum benefit from his or her educational program.
E. Assisting in developing positive behavioral intervention strategies.

Special Education – Specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability.

Speech pathology - Services include the following:

A. Identification of children with speech or language impairments.
B. Diagnosis and appraisal of specific speech or language impairments.
C. Referral for medical or other professional attention necessary for the habilitation of speech or language impairments.
D. Provision of speech and language services for the habilitation or prevention of communicative impariments.
E. Counseling and guidance of parents, children, and teachers regarding speech and language impairments.

Stay put - Provision that requires the child to remain in the present program during due process proceedings unless an interim altemtive educational setting is agreed to by the parents and the district. An AES may also be designated if the student is determined to be dangerous to self or others.

Supplementary aids and services - Aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with children without disabilities to the maximum extent appropriate.

Supported employment - Paid employment that requires the use of designated personnel to assist individuals with disabilities in acquiring and maintaining site specific skills.

Surrogate parent - An individual who acts in place of a parent to protect the educational rights of a student with a disability and meets the qualifications for surrogate parents.

Transfer of rights - The exchange of educational rights under Part B of the IDEA 97 from parents to a student who has reached the age of majority (18 years).

Transition services - A coordinated set of activities for a student, designed within an outcome-oriented process, that promotes movement from school to post school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living or community participation.

Transportation – A related service that includes travel to and from school and between schools; travel in and around school buildings; and specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.

Transportation units - The number of regular and specially designed buses and other vehicles used to transport children with disabilities to and from school, and between and away from school facilities and related service providers.

BEST COPY AVAILABLE

Travel training – Instruction to develop an awareness of the environment in which the student lives and to learn the skills necessary to move effectively and safely in the environment (e.g., in school, home, work, and community).

Vocational education - A planned series of learning experiences, the specific objective of which is to prepare persons to enter, continue in, or upgrade themselves in gainful employment in recognized occupations not designated as professionals or requiring a baccalaureate or higher degree.

Vocational training - Providing instruction and work experience to promote the acquisition of specific job-related skills by qualified personnel.

Ward of the State - When the courts assign legal responsibility to make decisions regarding a child's education to a state agency or representative of a state agency. Some children are wards of the State solely for the purpose of care and treatment. In such cases, the parent(s) of the child maintains responsibility for participation in educational decision-making. A child who is a ward of the state is provided with a surrogate parent only when the courts have severed the parents' rights regarding educational decisions.

BEST COPY AVAILABLE

ACRONYMS & ABBREVIATIONS

AYI	Alaska Youth Initiative
BIP	Behavioral Intervention Plan
CAP	Corrective Action Plan
CFR	Code of Federal Regulations
CMR	Compliance Monitoring Report
CMS	Compliance Monitoring Standard
CSPD	Comprehensive System of Personnel Development
CSSO	Chief State School Officer
DHSS	Department of Health and Social Services
EDGAR	Education Department General Administrative Regulations
EED	Department of Education and Early Development
ESY	Extended School Year
FAPE	Free Appropriate Public Education
FBA	Functional Behavior Assessment
FERPA	Family Educational Rights and Privacy Act
FY	Fiscal Year
HSGQE	Alaska's High School Graduation Qualifying Exam
IAES	Interim Alternative Educational Setting
IEE	Independent Education Evaluation
IEP	Individualized Education Program

IDEA 97	Individuals with Disabilities Act (as amended in 1997)
IFSP	Individual Family Service Plan
IEU	Intermediate Education Unit
ILP	Infant Learning Program
IG	Inspector General
LEA	Local Education Agency
LRE	Least Restrictive Environment
NOI	Notice of Interpretation
NPRM	Notice of Proposed Rule Making
OCR	Office for Civil Rights, U.S. Department of Education
OSEP	Office of Special Education Programs, U.S. Department of Education
OSERS	Office of Special Education and Rehabilitative Services, U.S. Department of Education
OT	Occupational Therapist
PAR	Program Administrative Review
PL	Public Law
PT	Physical Therapist
QSI	Alaska's Quality Schools Initiative
Regs	Regulations
RRC	Regional Resource Center
SEA	State Education Agency
SESA	Special Education Service Agency

SOP	State Operated Program
SSP	State Supported Program

RESOURCE LISTING

Federal

U.S. Dept. of Education
400 Maryland Avenue, SW
Washington, D.C. 20202
1-800-USA-LEARN
WWW.ed.gov

Office of Special Education Programs
330 C St., SW
Washington, D.C. 20202
(202) 205-5507
www.ed.gov/offices/OSERS/OSEP

State

Alaska Dept. of Education & Early Development (EED)
Special Education Programs
801 W. 10th St., Suite 200
Juneau, AK 99801
(907) 465-8702
www.educ.state.ak.us/tls/sped

Alaska Dept. of Vocational Rehabilitation (DVR)
801 W. 10th St.,
Juneau, AK 99801-1894
(907) 465-2814 (phone/TDD)
www.labor.state.ak.us/

Alaska Special Education Mediation Services
(T&G Consulting)
P.O. Box 4750
Whitefish, Montana 59937
800-580-2209 Office
(406) 863-9229 Fax
Contact: Dave Thomas

Governor's Council on Disabilities and Special Education
P.O. Box 240249
Anchorage, AK 99524-0249
(907) 269-8990 (Voice/TDD)

Alaska Youth Initiative (AYI)
Division of Mental Health and Developmental Disabilities
Box 110620
Juneau, AK 99811
(907) 465-3370; (800) 465-4828
(907) 465-2225 (TDD)

Advocacy/Support

Disability Law Center of Alaska
3330 Arctic Blvd., Suite 103
Anchorage, AK 99503
800-478-1234 (Office)

P.A.R.E.N.T.S., Inc.
Anchorage Parent Resource Center
4743 E. Northern Lights Blvd.
Anchorage, AK 99508
(907) 337-7678; 800-478-7678
(907) 565-1000 (Fax)
www.parentsinc.org

Technical Assistance

Special Education Service Agency (SESA)
2217 E. Tudor Road, Suite 1
Anchorage, AK 99507
(907) 562-7372

Western Regional Resource Center
College of Education
1268 University of Oregon
Eugene, OR 97403
(541) 346-5641
http://interact.uoregon.edu/wrrc/wrrc.html

BEST COPY AVAILABLE

U.S. Department of Education
Office of Educational Research and Improvement (OERI)
National Library of Education (NLE)
Educational Resources Information Center (ERIC)

ERIC
Educational Resources Information Center

NOTICE

Reproduction Basis

☑ This document is covered by a signed "Reproduction Release (Blanket)" form (on file within the ERIC system), encompassing all or classes of documents from its source organization and, therefore, does not require a "Specific Document" Release form.

☐ This document is Federally-funded, or carries its own permission to reproduce, or is otherwise in the public domain and, therefore, may be reproduced by ERIC without a signed Reproduction Release form (either "Specific Document" or "Blanket").

EFF-089 (5/2002)